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ABSTRACT

The proceedings from the 1979 Senate Oversight Hearings on P.L. 94-142 (the Education for All Handicapped Children Act) include over 70 statements from teachers, parents, administrators, and state department officials. Additional articles and publications appended include information on such topics as competencies for mainstream teachers, effects of labeling, preschool programing, and vocational education. Witnesses' responses to questions from three senators are also provided. (CL)

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# OVERSIGHT ON EDUCATION FOR ALL HANDICAPPED CHILDREN ACT, 1979

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## HEARINGS

BEFORE THE

## SUBCOMMITTEE ON THE HANDICAPPED

OF THE

## COMMITTEE ON LABOR AND HUMAN RESOURCES UNITED STATES SENATE

NINETY-SIXTH CONGRESS

FIRST SESSION

ON

OVERSIGHT ON PUBLIC LAW 94-142, EDUCATION OF ALL HANDICAPPED CHILDREN ACT

JULY 19, 26, AND 31; OCTOBER 1, 3, AND 10, 1979

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# OVERSIGHT ON EDUCATION FOR ALL HANDICAPPED CHILDREN ACT, 1979

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THURSDAY, JULY 19, 1979

U.S. Senate,
Subcommittee on the Handicapped,
of the Committee on Labor and Human Resources,
*Washington, D.C.*

The subcommittee met, pursuant to notice, at 9:45 a.m., in room 6202 Dirksen Senate Office Building, Senator Jennings Randolph (chairman of the subcommittee) presiding.

Present: Senators Randolph, Stafford, and Schweiker.

## Opening Statement of Senator Randolph

Senator Randolph. A pleasant good morning to all of you who are with us. We extend a particular welcome to those who are participating as witnesses in today's hearing.

We welcome also those interested and involved spectators.

The Robert Taft Institute of Government is represented here today, and Prof. Frank Colin, who is very active at Lehigh University, is also present. There are 30 in that group from Lehigh, I believe. We want you to have an informative visit in Washington, and we want you to have a very rewarding memory of being here today. We welcome these fine people. [Applause.]

We have a common interest here this morning. That interest is our abiding concern for improving education for the handicapped. As we begin today's hearings—which will be the first in a series of hearings expected to continue throughout the first session of this Congress—we are reminded that with the enactment of Public Law 94-142 in 1975 a national commitment to that goal was proclaimed. Four years have now passed since that landmark legislation reaffirming the educational rights of the handicapped was enacted. As you know, the intent of the law was to make secure for all handicapped children their right to a free appropriate public education. The enabling mechanisms by which the law was to assure that right, were the strengthening of due process protections, the requirement of individual educational plans, and the provision of least restrictive environments. The implementation of these provisions has not been without complications: At times the demand for services has seemed to outstrip the professional expertise necessary to provide them.

A national commitment of the scope and magnitude suggested by Public Law 94-142, however, is not realized overnight. While the enactment of the law may be accomplished by a pen stroke, its implementation is necessarily a more arduous process. As with much new legislation, the early stages of implementation of Public Law 94-142 have been beset by problems which have been both substantial and numerous. Nevertheless, a high sense of commitment endures despite these challenges.

It is with the hope of increasing our understanding of these problems that we begin these hearings on Public Law 94-142. We are especially interested in learning of the experiences of those of you who have felt the law's impact most immediately—the parents and teachers of handicapped children. The purpose of these hearings is to provide you with a forum for expressing your concerns. Your experiences with three of the law's provisions are of special interest at this time. These provisions—for least restrictive environments, for individual education plans, and for free appropriate public education—continue to prompt the concern of educators and parents at local, State, and national levels.

We welcome the opportunity to learn of your reactions to these provisions. It is our hope that the testimony presented in these hearings will highlight issues and provide inspiration as we work together to improve the delivery of educational services to the Nation's handicapped children.

Senator Mathias of Maryland will be with us a little later. And if agreeable with his staffer, we might start with other witnesses.

The panel is Mrs. Suzanne Kendrick of Madison, Wis., Mrs. Judy Thomas of Port Carbon, Pa., Don Rettberg, U.S. Air Force, from Bergstrom Air Force Base, Tex.

We welcome the witnesses.

You have been a pilot, have you, Colonel?

## STATEMENTS OF MRS. SUZANNE KENDRICK, MADISON, WIS.; MRS. JUDY THOMAS, PORT CARBON, PA.; AND DON RETTBERG, COLONEL, U.S. AIR FORCE, BERGSTROM AIR FORCE BASE, TEX., A PANEL

Colonel **Rettberg**. That is correct, Senator.

Senator **Randolph**. That is something that I feel very close to, also.

Colonel **Rettberg**. Thank you.

Senator **Randolph**. Do you believe in a separate Air Force in the United States?

Colonel **Rettberg**. We have our own Confederate Air Force in Texas, but I am not a member. [Laughter.]

Senator **Randolph**. I was not being facetious. But do you believe in a separate Air Force as we have in this country?

Colonel **Rettberg**. Yes, sir.

Senator **Randolph**. It used to be embodied in other services.

Colonel **Rettberg**. That is right.

Senator **Randolph**. I had something to do with that.

Colonel, we will ask you to be the leadoff witness. Would that be agreeable?

Colonel **Rettberg**. That is very fine.

Senator **Randolph**. Thank you, sir.

Colonel **Rettberg**. Senator Randolph and ladies and gentlemen, I am Col. Don Rettberg of No. 3, Live Oak, at Bergstrom Air Force Base—located just outside of Austin, Tex. Our son, Don, Jr., is a 2½-year-old handicapped child. Ten short years ago, our Donnie would have been called a Mongoloid, and many doctors would have recommended that he be put in an institution. Today, however, his handicapping condition is called Down's Syndrome, and most pediatricians recommend that such children be reared in the home—but with the help of trained teachers and therapists. As parents we see the positive aspects of infant intervention firsthand and on a daily basis.

For the past 12 months parents of handicapped infants in Austin have worked hard to save an infant-parent training center that was started 6 years ago with the help of Federal grants. We have talked to all levels of government and pointed out the long-term savings and benefits for developmentally delayed children—ages zero to three. City, county, and State officials have all responded in varying degrees to our requests for better, more stable programs; however, the required level of stability and nationwide benefits can only come from here—in our Nation's Capital.

Our central Texas example is in some ways a success story, but success—like failure—is always relative. As you will see, we had and still do have problems, but remember that these same problems are multiplied a hundredfold in thousands of nonmetropolitan areas throughout the Nation where there is no assistance at all. Countless children from these areas are doomed to the permanency of life in an institution—and only because parents and teachers are not given the framework from which to administer proper therapeutic training at an early enough age. It is for this reason that the two words—oversight hearings—can have a special meaning to today's and tomorrow's handicapped infants. We are fortunate that our system of government and this committee utilize this hope-giving process.

The request that I bring before you today is extremely simple and is based on the same principle that directs Federal support to all other special education. That principle is first found in the title of Public Law 94-142—"Education of all Handicapped Children Act of 1975"—and it is again found in the intent of the act that—"assures all handicapped children the right to a free appropriate public education." In both references the key words are "All children"—not just those who are 3 or older. The request. therefore, is this—that this session of the Congress enact amending legislation to lower all age references in Public Law 94-142 from the currently stated 3—to zero. If you will keep this concept in mind, I feel sure that you will see how it could affect every future handicapped child throughout the Nation.

Twelve months ago, the Austin Infant Center served 90 children. Half of the children were in a home program where teachers train parents to administer the stimulation techniques which are so vital to a handicapped child's development. The remaining 45 attended a limited day school where more advanced skills, such as communication, fine and gross motor, self-feeding and socialization are introduced and intensified. The basic idea is simple—if a child learns to learn early, that same pattern will continue throughout his life. A key point must be made here—while 90 children were served, another 60 to 80 spent 6 to 8 critical months on a waiting list. The waiting list was caused by a lack of funds, and the children on that list would never be able to stop the clock or turn back the calendar.

Then came near disaster. The budget for fiscal year 1979 was reduced to a point that home training had to be eliminated. After analyzing the situation, parents went before the city council and county commissioners to ask for emergency funding. A positive response did save the home program for the 45 children; however, the waiting list in terms of numbers and time did not change—and it still exists today.

Our experience at the local level led us to seek a more lasting solution. In January, we learned that a joint Senate and House Committee had studied Texas special education for 2 years. Upon reading their extensive report we were disappointed to note that this in-depth study excluded even the mention of children ages zero to 3—except for those with visual or auditory handicaps. An extremely important point was made when we asked the logical question as to why. The answer given was that the committee had followed the Federal guidelines as spelled out in Public Law 94-142—and specifically covered only those children ages 3 to 21.

Starting with that background we set out to salvage something for infants in a legislative session that has already begun. Our fact finding efforts determined that the statewide capacity for infant programs was 1,600; but, there were an additional 2,300 who needed help. We also found that nearly every infant center in the State was critically low on funds—and getting progressively worse. We determined that for $10 million per year the State of Texas could consolidate those fragmented infant programs under the Texas Education Agency at a cost of about 3 percent of the State's total special education budget. That is correct—only 3 cents of the special education dollar would provide the help where it is really needed—to lay the cornerstone for a special education foundation.

Let me give you the three primary reasons why we propose putting infant intervention and education under the education agency:

Our local center had fallen 23 percent behind inflation in a 4-year period, and other infant centers suffered similar setbacks.

Special education funding under the Department of Mental Health and Mental Retardation, where our program was funded, fell 19 percent behind inflation over a 4-year period—while at the same time special education funding under the Texas Education Agency had surpassed inflation.

Only children living in metropolitan areas are served under Mental Health and Mental Retardation—while under the Education Agency, the potential exists to reach every child in the State.

The results of our efforts in the legislature can be summarized as follows:

The chairman of the earlier mentioned study committee, Senator "Pete" Snelson of Midland, sponsored legislation that would establish a statewide infant program.

The bill unanimously passed the Senate; however, it died on the House Calendar due to the time crunch at the end of the session.

Our legislature did pass a concurrent resolution which could provide positive action 2 years downstream. A committee has been established to study the problem and report back to the next session, with proposed legislation.

A short addressal of why infant programs are critical is important. Hundreds of professional educators have documented the results of their dramatic findings in the field of infant stimulation, intervention and education. No short summary could do justice to their revolutionary work, but I would like to read you one quote.

A noted educator from the University of Chicago, Doctor Benjamin Bloom, wrote—

> . . . in terms of intelligence measured at age 17, from conception to age 4, the individual develops 50 percent of his mature intelligence, from ages 4 to 8 he develops another 30 percent, and from ages 8 to 17 the remaining 20 percent.

There is also overwhelming dollar and cents rationale for keeping children in a home and school environment. The current cost of institutional care in Texas is $43 per day, and once started, it will most probably last for the remainder of life. The proven concept that I recommend to you costs less than $7 per day—and in this case many previously doomed infants can be turned into productive, taxpaying citizens. For every child who turns the corner as a result of 3 years of infant education—if compared to living 55 years in an institution—the cost savings is of the magnitude of 115 to 1.

I trust that this background leaves no doubt as to why we propose what we do. In its wisdom the Congress in writing Public Law 94-142 did not compel the States to establish special education for children 3 to 5 years old—but it did provide the incentive to do so in the form of supplemental funding to State and local governments. This is all that we ask for in the case of infants. Yes, it is that simple—change the words "aged 3" to "aged zero" in all six places in the law, and a whole new horizon should illuminate for the tens of thousands of handicapped children who are born every year.

I would like to close on a very positive note. Our son is not what the public and medical profession thought him to be only 10 short years ago. At age 2½ he feeds himself; he is well along in daytime toilet training; and with minor prompting he can recite many nursery rhymes, the Lord's Prayer—and the Pledge of Allegiance. Motor skills are his weakest area, and he is just now taking his first shaky steps. This area of development is receiving strong emphasis from all who know, love, and work with Donnie. I can honestly say with all sincerity that, God willing, he will not be a burden on society—but rather that he will someday be a productive citizen and a taxpayer.

I urge all Members of the Senate, and also the House when the time comes, to give all handicapped infants in this Nation the same, if not an even better opportunity than our son has had. Lowering the age limits in Public Law 94-142 to cover handicapped children from birth will open the door to this opportunity.

I appreciate the opportunity to have appeared before you to present, Senator, this recommendation. I thank you for your kind attention and will be glad to answer any questions.

Senator RANDOLPH. Thank you very much, Colonel.

For the record, I want to remind all of you that our Subcommittee on the Handicapped is a part of the parent Committee on Labor and Human Resources.

I have always felt that, and I know it is true, that partisanship has never surfaced in issues regarding handicapped individuals. We look at these matters in the way that you would want the members to look at them—on the issues that are involved.

One of the members of our subcommittee, of a different party than the party in which I hold membership, is Richard Schweiker of Pennsylvania. He is here today, and he is intensely interested in the subject matter. He is an ardent advocate of programs that are helpful to the handicapped.

Dick, if you would introduce the witness from your State of Pennsylvania.

Senator **Schweiker**. Thank you, Mr. Chairman.

Let me say that I am delighted to be on your subcommittee again. I served several times on the Handicapped Subcommittee, and then because of the requirements of the Senate Committee Reorganization did not for a term. But I am back on your subcommittee, and I want to commend your leadership in this area.

I do not think there is anybody who has done more, and been more of an advocate for the handicapped than you. And you are absolutely right about politics. It has not been on this subcommittee, and I feel you have done a tremendous job.

So I am very pleased today to be able to introduce Mrs. Judy Thomas from Port Carbon, Pa. Mrs. Thomas is a parent of a handicapped child, and has a strong knowledge of the educational delivery system for handicapped students in my State of Pennsylvania.

And I understand from the early draft of her testimony that her greatest concern in Public Law 94-142 is the placement of students, and the placement of handicapped students in some classrooms without adequate training for teachers, or availability of support services.

So, we look forward, Mrs. Thomas, to hearing your testimony.

Also, I know we have some visitors here from the Taft Institute, which this year happens to be sponsored by Lehigh University. I know they are here, to watch a subcommittee hearing. So this is a little bit of a Pennsylvania collection, Mr. West Virginia, if you do not mind my addressing it for a moment.

Senator **Randolph**. No. I often think West Virginia is just a State, but Pennsylvania is a Commonwealth. It means you have all the wealth, and we have all the problems in West Virginia.

But I do want to call to your attention, all of you here today, that Dick Schweiker is not only on our subcommittee, but also on the Appropriations Committee. Here is the man that we have to rely on to help carry the ball for us in providing the funds for the programs that have been authorized.

Dick, you have had a good record on that.

Senator **Schweiker**. Thank you very much. It has been a battle on the funding.

Senator **Randolph**. It certainly has. Programs are authorized at a certain figure, but sometimes, there are shortages of funds. Programs are not always funded at the authorization level. The work of the appropriations committee is very important.

But your leadership in both the authorization and appropriations process is excellent.

Would you proceed?

Mrs. THOMAS. Thank you.

I am Judy Thomas from Pennsylvania. I am the mother of a 9½-year-old child.

If I may, I have been involved for 9 years, since I had my son, as vice president of our local park association, chairman of our local task force, with the intermediate unit for 2 years. I helped start, 5 years ago, a parent-teacher organization within the intermediate unit, and I have been president of that organization for 3 years. I am recording secretary for the children and youth services in Schuylkill county. I am vice president of one of the child development centers in Schuylkill County. And I served 9 years as secretary to United Cerebral Palsy Diagnostic Clinic.

I have become very familiar with handicapped children. I was asked to give a very short statement before I present my testimony as to what has happened in Schuylkill County this past year.

Ten years ago, our 12 school districts decided to build a new intermediate unit school to house the special children. This year, upon completion, when all of our five schools which housed the exceptional children were to be closed, we were told by the department of education in Pennsylvania that we could not open the facility because we were not in compliance with the least-restrictive environment. At that point, I started holding public meetings in our courthouse. I have with me today petitions signed by 11,296 taxpayers, parents, and teachers in Schuylkill County, who were in favor of the center concept versus district classrooms.

What happened, 3 months prior to the closing of this school term, is our children had to go out of the center, and classes had to be placed in the district. This year, the children in the district classes were not integrated into anything. Recess, lunch, games, nothing that was on the child's individual education plan. Children regressed.

My son, fortunately, remained in the center. He also regressed, for the first time in his life. He is at an educable level. He is at the fifth level, and doing very well. This has been his worst year for progress in his 5 years in the intermediate unit.

Now, I will go into my testimony.

The least restrictive environment concept has been practiced within Intermediate Unit 29 for 7 years. Although integration and mainstreaming were at the infancy stages it proved a successful endeavor with those children involved. The center concept still remains the least restrictive and most productive environment for most of our children.

Our parents and citizens became appalled and alarmed when the department of education so adamantly imposed their rigid least-restrictive environment standards upon our intermediate unit. The following points are an attempt to express our grievances against the present interpretation and implementation of the LRE plan.

One: We object to the bureaucracy implying that certain percentages of special education students must be mainstreamed or integrated into district schools.

Two: We object to the students being moved into district classrooms for the sole purpose of integration into art, music, physical education and recess and in effect are not being integrated into these programs. The least restrictive environment team has returned on several follow-up visits and have found no objections to this fact as long as this class existed.

Three: A concept of the LRE plan is integrating with the students neighborhood peer group. Our children have been mainstreamed up to 20 miles from their homes which has in no way improved their acceptance within the neighborhood.

Four: How can peer relationships be established when class locations are changed year to year depending on district availability?

Five: Emotional stability of our handicapped students is certainly being strained with their educational environment being in a state of limbo.

Six: What purpose does forced social acceptance serve when the special education student usually ends up at the bottom of the pile?

Seven: How can particular needs be best met when LRE classes are mixed exceptionalities?

Eight: How do you justify removing students from the advantages of specialized services and supplies?

Nine: Where is the logic of removing children already classified as exceptional from the center in order to bring others in just to show alternative uses of the center?

Ten: How can we justify gross waste of tax dollars by having classrooms below State standard minimum class enrollment just to satisfy LRE?

Eleven: Can an honest judgment take place when it was the consensus of those involved in the initial meeting with the LRE team that this team obviously had their minds made up before the meeting?

We feel our particular center concept has been unrealistically condemned without justification. Since our intermediate unit is more advanced than the average program in our State, what comparative methods can be used by the LRE team? As far as we can see our program has been judged by people who are prejudiced against the center concept period.

The advantages that we have lived with are the same ones that they have failed to see. Without delving too deeply, I would like to share a few with you.

One: The most important is a definite growth of self esteem. How many of you have ever experienced the pride of an exceptional child receiving a diploma or graduation award?

Two: A definite continuum of needs. A personalized check list follows my child through his educational career.

Three: Competency based vocational training. Simple tecnical skills which are taken for granted in a regular class will not be overlooked by my son's special education teacher.

Four: Work-study programs designed with the exceptional persons' needs in mind. Approximately 85 percent of our students are productively employed at the time of graduation.

Five: Active continual participation in school functions such as special olympics, assemblies and field trips. How often would my son get to participate in any school functions if he had to compete with the so-called normal child?

Six: Availability of specialized services such as speech and physical therapy. These services will not be as available for the LRE classes as they are at the Center.

Seven: Personnel trained in specialized needs of our exceptional children. How many district teachers are unfamiliar with many extreme circumstances surrounding these children such as seizure activities or uncontrollable emotional outbreaks?

In closing, I feel the LRE plan is being implemented for the sole purpose of social integration which should be done at the discretion of the family unit rather than the Government.

What really frightens us are the underlying implications of the present LRE concept. In order to achieve this forced social integration must we sacrifice the sound educational foundation upon which our intermediate unit has been buit and has been successfully progressing? We find the future consequences of the present implementation and interpretation of this LRE plan totally detrimental to our children's academic and social success.

Thank you.

[Applause.]

Senator **Stafford** [presiding]. Mrs. Kendrick, we would be very happy to hear from you at this time.

Mrs. **Kendrick**. Thank you.

Members of the committee, my name is Suzanne Kendrick from Madison, Wis., and I am here today speaking as a parent of a 17-year-old son, who, because of his disabilities, has and continues to receive special education and related services.

I have submitted a written statement. I would like to request permission to submit an addendum of recommended policy changes at the State and local level, inadvertently omitted from my written statement.

My son, Matthew, has cerebral palsy and learning disabilities. Although today, as a result of intensive effort on his part, he is only mildly physically disabled, his speech remains severely impaired requiring that he use other modes of communication, primarily gestures and more recently sign language and an electronic communication device.

By way of background, as an occupational therapist, parent of a child with a disability and for the last 3 years executive director of United Cerebral Palsy of Wisconsin, I have been actively involved for a number of years advocating changes in the Wisconsin service delivery system to become more responsive to the needs of individuals with disabilities and their families. I served for over 9 years on the Special Education Advisory Committee to the Madison public schools, was involved from the beginning, in 1973, in the drafting of chapter 115, the Wisconsin statutes mandating education for all handicapped children, and was also a consultant providing inservice training to the local school districts on implementation of the law.

Our son Matthew has been attending the Madison public schools for 12 years by special arrangement with the Verona public schools, his home school district, because of his exceptional educational needs. In the fall of 1967, at the age of 5 years, 9 months, Matthew entered the preprimary class of the orthopedic program, a self-contained program in a regular elementary school. His first 3 years were very positive both academically and in terms of his social development.

The next 4 years, however, were a near disaster, both for Matthew and our entire family. In the fall of 1970, without our knowledge, Matthew was removed from the regular orthopedic program to a class for the multiply handicapped, a program we were only later to discover was for children who were moderately to severely retarded. Our son, whom we had discovered could read at the age of 3 and whose first-grade teacher claimed was reading on a fifth-grade level, is not and never has been retarded. The decision to place Matthew in this program, we learned later, was based on the fact that a psychologist who had never before tested a child with a disability had labeled our son mentally retarded.

During these 4 years, expectations were so low that our son was forced to attend to tasks far beneath his level of intellectual ability, resulting in boredom, short attention span, and disruptive behavior which were interpreted as symptomatic of his brain damage—by the school system—rather than the school system's inappropriate programing.

Throughout this 4-year period our intensive efforts for an appropriate educational program for Matthew were continuously rebuffed as we sadly watched him become a different child, the victim of self-fulfilling prophecy.

Finally, in that fourth year, just 2 weeks before school was out, Matthew was removed from the multiply handicapped program and placed in another school for evaluation by a multidisciplinary team. His records were impounded, and the team directed to make no contact with the previous school staff. The multidisciplinary team evaluation was one of the mandates of the new Wisconsin statutes, chapter 115, which was in its first year of implementation.

The recommendations of the M team, and subsequent placement of Matthew in a program for children with hearing impairment so that he could learn sign language proved to be very positive. Provided the opportunity, he successfully demonstrated his ability and was mainstreamed into the fifth-grade level in both math and science, although he had received no formal classroom experience in these areas beyond first grade.

The following year, 1975, Matthew entered middle school, and for 3 years was mainstreamed into the regular program, with special assistance as needed, and showed significant improvement in his academic performance.

The incredible damage to his self-image and resulting inappropriate social behavior were slower to heal, although there was considerable improvement. We believe the increased integrated classroom experiences with his able-bodied peers, plus the approach of the staff, played a significant role in his gains.

In the spring of 1978 Matthew was evaluated by, once again, a multidisciplinary team in preparation of his entrance into high school. The M team, directed by the staff from his home school district, also included two staff persons from the school he was attending in Madison. The M team recommended that Matthew be placed in a high school learning disabilities program, integrated into regular classes with tapes, specially adapted materials, and tests available as needed, have adaptive physical education as needed, and adapted driver's education.

Although serious consideration was given to Matthew attending the high school in his home school district, we and the members of the team agreed with Matt that it was very important for him to continue into high school with his middle school friends and classmates.

Matthew visited the school along with the other eighth graders and enrolled in the courses he wished to take. His registration materials and records were forwarded to the school. He was looking forward, as were we, to his entering this high school.

On August 22, 1978, just 5 days prior to the first day of the school year, we were notified that Matthew could not attend the high school as planned and recommended, but would be accepted for placement only in the self-contained learning disabilities program of another high school for assessment purposes.

Although he had been in the Madison system for 12 years, Matthew's records, we were told, contained no information on how he functioned cognitively and he needed a full year of assessment. Further, Madison public schools insisted that the program they had selected would be better for purposes of assessment and programing. They refused to discuss the question of why programing at the school recommended by the M team would not be appropriate.

We, along with the home school district staff, our advocate, and the attorney for the Wisconsin Coalition on Advocacy were unsuccessful in our attempts to reverse the decision of the Madison School District.

Public Law 94-142 does not provide for placement for purposes of assessment, and especially for a whole year without education taking place. Under the law the home school district, Verona, is responsible for making the decision for placement, and the parents have the right to appeal that decision.

The law, however, does not address the problem that arises when the receiving school district exercises the right to redo the M team recommendations and/or alter the placement decision.

We were left with two options, placement in the home school district, or in the program offered by Madison schools. However, school had started in Verona, important elements of the M team recommendations were not available and implementation would take several months. We signed permission for a temporary placement of Matthew in the Madison Public School program for assessment and reevaluation by the M team.

Unfortunately, due to an unanticipated 8-week stay in the hospital for Matt, followed by the maternity leave of one of the two M team members, the evaluation was not completed until just before school was out this spring. Matthew had spent his entire school year in a special education program which we considered inappropriate without the benefit of recommendations from a multidisciplinary team or an individualized educational plan.

With this summary of our 12 years of experience in attempting to secure an appropriate public education for our son as background, I would like to address more specifically the three areas requested by the committee.

## THE INDIVIDUALIZED EDUCATIONAL PLAN

The existing Wisconsin State statutes have no provision for an IEP. Although parental permission is required for both evaluation by the multidisciplinary team, which must take place every 3 years, and placement, the IEP is written after placement is made and parent participation is not required, only suggested. Amendments have been introduced, however, which will bring Wisconsin statutes into compliance with Public Law 94-142, but that will be another year.

Although I have yet to participate in the development of my own child's IEP, I feel participation is essential to insure that the recommendations of the M team will be carried out and exactly how they will be done so. It is also vital that parents have a copy of the IEP in order to know from progress reports, report cards, and parent-teacher conferences whether the goals and objectives for their child are being accomplished.

Based on the experiences of many teachers and parents in Wisconsin, as well as other States, it would appear that if the IEP process is to be effective, however, two things must happen.

One, teachers, trained primarily to develop lesson plans for a class, must be provided inservice training on the development of an IEP, and

Two, school boards and administrations must support the process by providing time for inservice training, and for developing the IEP. Conscientious teachers are working late into the night in an effort to develop appropriate IEP's. Time must be provided so that teachers do not come to classrooms exhausted from staying up half the night.

## THE LEAST RESTRICTIVE ENVIRONMENT AND FREE APPROPRIATE EDUCATION

We would have preferred, and feel strongly that it would have been best for Matthew had he been mainstreamed in his own school district from the beginning. However, the laws did not exist then to provide us with the support we needed to request that the school provide our son with the special education and related services for him in his home school district.

Matthew will go to Verona next year. This is his desire, and it is where he is wanted. We see it as the best option available right now for meeting both his exceptional needs, as well as his need for opportunities to make friends, date, and participate in the extracurricular social activities. Such opportunities are limited when 8 to 10 students are served in a self-contained and segregated classroom.

When children with disabilities are integrated in all or part of a regular school program, however, it is essential that both the children and the teachers receive the support and special assistance necessary for participation and learning to take place.

There are children in Wisconsin who are being mainstreamed without the needed special education and related services. In some cases when the child fails the school as proven to the parents that mainstreaming will not work. In other situations it may be 2 or 3 years before parents discover that the child, although sitting in the classroom, is not learning.

I feel that the majority of children could be mainstreamed if schools are given the flexibility to be creative in seeking solutions and if adequate funding is available.

If we are ever to overcome the attitudes and other barriers that prevent full participation of people with disabilities in our society it is essential that people with and without disabilities have opportunities to know, understand and appreciate each other. It is best if this starts happening at an early age. It can and should happen in our public schools.

Thank you.

[The information referred to follows:]

# ADDENDUM

# TO THE

# TESTIMONY TO THE SUBCOMMITTEE ON THE HANDICAPPED

BY

SUZANNE K. KENDRICK

An Educational Advocacy Committee organized by the Wisconsin Coalition on Advocacy has identified a number of problems in the implementation of P L 94-142 in Wisconsin.

The committee composed of a representative from the Wisconsin Coalition on Advocacy, the Wisconsin Association for Retarded Citizens, United Cerebral Palsy of Wisconsin, the Special Education Advisory Council to the State Superintendent of Schools, a Special Education Administrator and the Headstart Handicapped Advocate (4 members are also parents of children with disabilities), has determined the need for policy development at the state and local level to assure that:

1. Agreements between school districts are enforceable.
2. Local educational agencies have a disciplined mechanism for placement in the least restrictive environment, including options in the regular program.
3. There are articulated plans for parent education on rights, strategies, expectations.
4. Parents are giving informed consent for evaluation by providing information on evaluation procedures to be employed, areas to be evaluated, and by providing an opportunity for questions to be answered.
5. There is opportunity for parental involvement throughout the IEP and placement process.
6. The evaluation criteria includes assessment of academic, self-help, social behavior and physical skills.
7. Parental consent is sought for non-initial evaluations.
8. "Access to records" is defined.
9. Placement is based on need rather than on what programs or space is available.
10. Year round programming is available for those children who are severely to profoundly disabled.

Senator RANDOLPH [presiding]. Thank you very, very much, Mrs. Kendrick.

Senator STAFFORD. Mr. Chairman?

Senator RANDOLPH. Yes?

Senator STAFFORD. Mr. Chairman, I would ask unanimous consent that an opening statement that I was not here in time to deliver be made a part of the record immediately following your own opening statement.

Senator RANDOLPH. Senator, I would never want to disagree with you. But I would like for you to say those words yourself. I think that these people here would like to hear it.

Senator STAFFORD. I would be very glad to.

Senator RANDOLPH. We have no one in the Senate of the United States that has been more constructively involved in aiding the handicapped than the Senator from Vermont, who is the ranking member of this subcommittee.

I think everyone would agree that is what we would like for you to do.

Thank you.

Senator STAFFORD. Mr. Chairman, I should first say my absence when the hearing began was because the Senator had to go to the hospital for a checkup this morning before I could come here.

I join with my distinguished colleague, Senator Jennings Randolph, chairman of the Subcommittee on the Handicapped, in welcoming you here today to testify on the Education for All Handicapped Children Act.

The drafting and passage of this law was done so that handicapped children could reap the same benefits of a quality education as all children enjoy. The right of an equal educational opportunity is one which is guaranteed by our Constitution for all children.

The Education for All Handicapped Children Act has been in effect for 3 years and has just completed its first full year of implementation in school systems across the country.

This is the first in a series of oversight hearings that will be held on this act. These hearings are designed to address different provisions of the law such as: the individualized education program, free appropriate public education, least restrictive environment, due process and others. The Subcommittee on the Handicapped will be taking an indepth look into how well this law is being implemented and the affect it is having on handicapped children. We are here to learn and study, in detail, the full impact of this legislation.

The subcommittee hopes to see that the intent of Congress to provide full educational benefits to handicapped children is being achieved.

I wish to thank you, in advance, for your time and the effort you have put in to help us understand more fully the workings of this law.

Thank you, Mr. Chairman.

Senator RANDOLPH. Thank you very much, Senator Stafford.

And I note, as a pleasantry, that there is a real understanding friend in Bob Stafford on this subject matter.

How long have you been on the subcommittee, Bob?

Senator STAFFORD. I think since 1971.

Senator **Randolph**. That is exactly right. That is a few years. Of course, Dick Schweiker has been in and out of our subcommittee, and a very, very helpful member of this subcommittee.

I think it might be appropriate, Senator Schweiker, if you would make comments, or direct questions to the witness from your State.

Senator **Schweiker**. Thank you, Mr. Chairman.

Mrs. Thomas, to your knowledge, do many teacher colleges in Pennsylvania require any kind of special training, special education, at this time?

In other words, with the mainstreaming concept, the question is how quick the teachers are handling classrooms with handicapped students in the situation you described, do you feel that the teachers have been trained to teach well the children like your own?

Mrs. **Thomas**. It has been my experience now, since we held the several public hearings, I have no qualms whatsoever with any teacher, and the special education teacher.

But as far as district teachers were concerned, they were very fearful of special education children coming into their schools. They said they were not trained in any way, and they were not ready for it. There was no inservice whatsoever for district teachers.

As far as special education teachers, they are all very well trained, educated and dedicated.

Senator **Schweiker**. Has your group, supporting the center concept you described in your statement, used the due process provisions in Public Law 94-142, in your fight to keep the center?

Mrs. **Thomas**. Absolutely.

Senator **Schweiker**. How has that been going?

Mrs. **Thomas**. In Schuylkill County, we have mixed emotions about due process. We have one youngster who was granted, through due process, permission to go back to Shenandoah Valley School District last year. This youngster is diagnosed cerebral palsy. Immovable. He does not communicate in any way, except with a headgear and autocom board. That district has provided an aid, one for one, for Paul to be in that classroom.

I do not think the due process is fair. If all of our children had aids, they would not be in special education classes.

Senator **Schweiker**. Do you feel a lot of children, or some handicapped children are being dumped into regular classrooms and, thus, receiving fewer educational service than would be provided in self-contained classes, or residential settings?

Mrs. **Thomas**. Yes, sir. Absolutely. I have a letter from the Department of Education dated January 1979, that was when we were first notified we could not open the new center. We were asked to consider placing mixed exceptionalities together.

I could not picture a class functioning with a child autistic simply because of the same age level. I have two friends whose children are autistic, my son will copy from the children when in their company. Initially, we were told IQ's would have to be above the 60 IQ range to go out to the district class.

Our trainable children are down in 20 and 30 IQ's, and they were placed out in district classes. They are not even included in a recess. They are not supposed to use the same bathroom facilities. The staff, parents, and students of regular students are afraid.

Where does the child get a good self-image of himself? What becomes of that class?

Senator **Schweiker**. Just briefly, because we do, unfortunately, have a vote on, in terms of the specific educational services that your child is receiving, would you give us a guesstimate of how much is the responsibility of the special education teacher, how much the regular class teacher, and how much a classroom aide? Could you give a rough breakdown of the type of instructor that your child is confronted with, as opposed to special education teacher, regular teacher, classroom aid?

Mrs. **Thomas**. My son has never had an aid. He is in an educable class. His training is with the special education teacher, period. He is not with a district teacher, because I would not allow him to go back to the district. And a speech therapist, also under special education, but that is it. These are the only services he requires.

Senator **Schweiker**. That is all I have.

Thank you, Mr. Chairman.

Senator **Randolph**. Thank you very much, Senator Schweiker.

We have, as the Senator has indicated, and the departure of Senator Stafford indicates, a rollcall. This rollcall was decided on yesterday evening, to be at a certain time, approximately 15 minutes of 11.

It has to do with the passage of an agricultural appropriations bill, and I am interested in provisions that are helpful to rural sections of our State of West Virginia, as well as other areas of the country with like problems.

Senator Stafford has gone ahead. He will perhaps be here to continue the hearing before I return.

I think the best procedure for us, would be to have the questions provided to the witnesses by mail. And you have the opportunity to respond by mail, and your answer will be made a part of the record.

And, of course, we will have another panel coming before us. But I want to thank, on behalf of the subcommittee, Mrs. Kendrick, Mrs. Thomas, and Colonel Rettberg.

To all the witnesses, we are very appreciative.

Thank all of you.

[Information referred to and subsequently supplied follows:]

AUG 6 1979

#3 Live Oak
Bergstrom AFB, Texas 78743

July 31, 1979

The Honorable Jennings Randolph
Chairman, Senate Subcommittee on the Handicapped
Room 10-B, Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Randolph

Attached are the responses to those questions given to me subsequent to my testimony on July 19, 1979. Please note that I have taken the liberty of having another parent, Lieutenant Colonel Bob Sponeybarger, respond to the general PL 94-142 questions given to all witnesses of which (because of my infant's involvement) I have very limited knowledge. I took this approach so that the Subcommittee would have responses from Austin to add to its sample.

Let me again express my appreciation to the Subcommittee staff, especially Pat Forsythe and Betty Griffin, for their kind assistance. It is reassuring to know that such true professionals will be the keys to initiating meaningful action that results from these most important oversight hearings.

Sincerely,

Don F. Rettberg

Don F. Rettberg
Colonel, USAF

Attachment (1)

Answers to questions specifically addressed to Colonel Don F. Rettberg:

I would like to preface my responses by noting that, as the parents of a two-and-one-half year old handicapped son, under the current law we have had no direct involvement with Public Law 94-142. My testimony and recommendation specifically address this issue (omission of children ages zero to three) as being an oversight of the present law. My attendance at various public meetings and contacts with parents of preschool handicapped children, however, have given me sufficient background to respond to your specific questions.

1 Q. What impact has Public Law 94-142 had to date on the quantity and quality of preschool services provided by your district?

1 A. The Austin Independent School District preschool programs were established through the help of federal grants prior to the enactment of PL 94-142 and have served as a model for other programs. The quality has always been of the highest caliber, and most changes have been in the area of quantity. Presently over 200 preschoolers are served by approximately 50 teachers/therapists in two preschool centers. A complete range of professional services is provided. Two adjacent smaller school districts (Del Valle and Eanes) have instituted programs as a result of state law and PL 94-142, and both are in the growing stage--offering a much more limited range of services. Contractual arrangements can be and are made between these districts and Austin on an "as needed" basis.

2 Q. What progress has been made and what problems remain with respect to the identification, evaluation and placement of preschool handicapped children?

2 A. Of the three areas questioned, identification is still the major problem. The local infant program administered under the Department of Mental Health and Mental Retardation has been a positive factor affecting all three areas; however, as addressed in my testimony, initiation and continuation of services under a single agency--specifically the education agency--would alleviate many problems. In addition, inadequate and unstable funding of noneducational agency infant programs creates long waiting lists and wasted potential (60 to 80 children unit for six to eight months).

3 Q. Besides the public schools, what other local and state agencies are involved in the identification and evaluation of preschool handicapped children?

3 A. Identification and evaluation prior to age three is primarily done through the local infant center, and this process forms a base for the preschool (three to five) programs. Other agencies such as the local Mental Health and Mental Retardation Center, "Child Find", Department of Health, etc. are also involved.

4 Q. What types of preschool programs does your school district provide for handicapped children?

4 A. As mentioned earlier, our specific school district, Del Valle, has a limited but growing preschool program. Inadequate funding still constricts the program, but full appropriations under the escalating funding provisions of PL 94-142 would help to improve/expand the program. The Austin preschool program offers a complete range of preschool services and is probably one of the best in the Nation.

5 Q. What preschool programs are available for nonhandicapped children in your school district, but not available for handicapped children?

5 A. To the best of my knowledge none. Texas state law mandates which developmental delays are to be covered by preschool programs for handicapped children. Preschool programs are not mandated for nonhandicapped children.

6 Q. In general, how has the availability of fiscal resources affected the preschool education effort in your school district?

6 A. My discussions of about four months ago with the program director of one of Austin's two preschool centers indicated that adequate funding was not currently a problem for this high visibility program. On the other hand the director of the still growing Del Valle program indicated that, "football and band uniforms still seem to come before special education." Parent/public awareness and involvement will improve the funding issue with time; however, the leverage of PL 94-142 and state law will be the most important catalyst in obtaining adequate funding. Let me reiterate that handicapped infants (ages zero to three) need this same protection and funding incentive under both state and federal law. In Texas we hope to have the state protection within two years, but only this Subcommittee and the Congress can provide the federal support so desperately needed by infants.

Answers to general questions addressed to all witnesses:

The following questions have been responded to by Lieutenant Colonel Robert D. Sponeybarger, 8003 El Dorado Drive, Austin, Texas 78737. His daughter, Sara, is a nine year old who suffered brain damage as the result of an accident at age five. Sara has been enrolled in special education programs in the Austin Independent School District since age six.

## FREE APPROPRIATE PUBLIC EDUCATION

1 Q. What is your understanding of the term "free appropriate public education?"

1 A. Students shall receive free appropriate educational services to include required special education, related services, and transportation to them.

2 Q. As a parent of a handicapped child can you tell us what, if any, programs are offered by your school district to nonhandicapped children but not to handicapped children?

2 A. Physical education programs are not equally available even in nonhandicapped elementary schools; however, physical education is not generally available to handicapped classes.

3 Q. What impact has Public Law 94-142 had to date on the quality and quantity of school services provided the handicapped by your school district?

3 A. Our school district had handicapped programs prior to PL 94-142. Our child has been enrolled since the enactment of this law, so no comparison can be made; however, the quality and quantity of our programs continue to improve.

4 Q. Since the enactment of Public Law 94-142 what progress has been made and what problems remain with respect to the identification, diagnosis and placement of handicapped children?

4 A. I have no knowledge of specific progress in Austin due to PL 94-142. Problems remain in early age identification and intervention. Services are very limited for the 0-3 year age group.

5 Q. To your knowledge are there any state or local limits on

the amount of reimbursement that parents may receive for private school placement or for cost of related services? If there are such limitations, do they conflict with the requirement in Public Law 94-142 that a free appropriate education be provided to every handicapped child between the ages of 5 and 18?

5 A. I am not aware of any state or local limits on private placement or related services.

6 Q. As a parent of a handicapped child, how would you rate the overall effort of school administrators and teachers in providing your child with a free appropriate public education?

6 A. I rate their efforts as outstanding. They have voluntarily worked hard to provide the best program possible. Teachers often dedicate their own time to seeking improvements and coordinating new programs.

## LEAST RESTRICTIVE ENVIRONMENT

1 Q. What do you understand the requirements of Public Law 94-142 to be regarding the placement of handicapped children in least restrictive environments?

1 A. I understand that handicapped children are to participate in regular classrooms to the maximum extent possible. I feel our child does this.

2 Q. What changes have occurred with respect to the placement of your handicapped child in a least restrictive environment as required under Public Law 94-142?

2 A. Our child was not enrolled prior to PL 94-142.

3 Q. Does your child spend any part of his day in a regular classroom?

3 A. Yes.

4 Q. For what activities is your child included in the regular class program?

4 A. For social studies, art, and music.

5 Q. Do you feel the time spent in the regular class is appropriate to your child's educational needs?

5 A. I feel time in the regular classroom is very valuable for our child. She enjoys it, is well accepted, and needs the exposure to "normal children."

6 Q. Do you know whether the regular class teacher receives any special assistance or materials in order to develop an appropriate individualized program for your child in the regular class?

6 A. Yes, the regular classroom teacher works very closely with the special education teacher and participates in the IEP development.

7 Q. What are the differences in class size between the regular class and special education class your child attends?

7 A. Regular classes have 25 students, special education class has 12 students.

8 Q. Have there been any problems with nonhandicapped students accepting handicapped children in the regular classroom?

8 A. Not that I am aware of. Our child enjoys and is very proud of her participation.

9 Q. Who is providing the majority of educational services for your child? Do you know what proportion of his educational program is the responsibility of a

- --special education teacher,
- --regular class teacher,
- --classroom aide?

9 A. I estimate the special education teacher - 60%, the regular teacher - 20%, and classroom aide - 10%.

10 Q. How would you respond to the concern that some handicapped children are being "dumped" into regular classrooms and thus are receiving fewer educational services than would be provided in self-contained classes or residential settings?

10 A. I do not agree that our child is being "dumped" into the regular classroom. Each child's needs are different and in our case the IEP seems very appropriate to our child's needs.

INDIVIDUALIZED EDUCATION PROGRAM (IEP)

1 Q. Does your child have an IEP?

1 A. Yes.

2 Q. At what stage in the development of the IEP were you encouraged to become actively involved? How were you notified?

2 A. Meetings are scheduled prior to the school term beginning, generally near the end of the previous term. Our daughter's teacher called to arrange an appointment.

3 Q. Who comprise the IEP development team for your child? Was the special education teacher involved in the development of the IEP?

3 A. Special education teacher, regular classroom teacher, administrator, speech therapist, psychometrist, physical therapist, and parents.

4 Q. Were any social service agencies which might provide related services to your child involved in the development of the IEP?

4 A. None outside of the school system.

5 Q. Were your child's IEP conferences scheduled during regular school hours? Did you participate actively in the development of your child's IEP?

5 A. Yes, to both questions.

6 Q. What, if any, problems did you encounter as a parent in the development or implementation of your child's IEP?

6 A. None.

7 Q. What follow-up procedures were used to ensure that the goals and objectives of the IEP were actually carried out in the classroom?

7 A. Meetings are held periodically to discuss goals and progress. Records of progress are available for parental review.

8 Q. In your opinion, were the services of your child's school adequate to implement the provision of his IEP?

8 A. Yes.

9 Q. Do you feel the IEP requirement stipulated by Public Law 94-142 has affected the quality of the educational services available to your child?

9 A. It is very beneficial; however, it entails a lot of paper work/record keeping. There is no staff to prepare these records so teachers use much of their time to complete them.

10 Q. In your opinion as the parent of a handicapped child how might the process of developing and implementing IEP's be improved?

10 A. The process has been successful in our case, with no improvement required; however, teacher administrative workload needs to be reduced.

11 Q. What proportion of your IEP deals with related services, such as transportation, physical therapy, etc.?

11 A. Related services are included in our daughter's IEP, but I cannot estimate the proportion they amount to.

12 Q. If you were given the opportunity to amend the Federal regulations which govern the IEP, how would you change them?

12 A. The present regulations are adequate.

# Handicapped Children, Birth to Age 3

ALICE H. HAYDEN

WE ARE keenly aware that nobody ever promised a rose garden to the birth to age 3 population or to those who work with and for this group. As a matter of fact, this new—in almost every sense of the word—"minority" was specifically excluded from Public Law 94-142, which raises some basic human issues as society strives for human rights, particularly the human rights of all handicapped persons. How old does a child have to be to have rights? Certainly Public Law 94-142 excludes the 0–3 population as it addresses the need for a free appropriate public education for all handicapped children.

We might assume that there was simply a question of priorities, that the infants and toddlers might wait in line to be included in later extensions downward of the legislation, on grounds that individuals from ages 3 to 21 have problems requiring more urgent attention. It is also possible that those framing the legislation understood and surrendered in the face of the complex difficulties to be overcome in developing a coordinated school based program to serve such young children. But a more alarming possibility is that there is still resistance to the idea that children in the birth to age 3 range, and their parents, can benefit from early educational intervention programs or services.

### What Are the Needs of 0–3 Handicapped Children and Their Families?

Some people believe that the problems of the birth to age 3 group are only in the health and medical realms. Indeed, many of these children desperately need health and medical care early, but they and their families also need early educational intervention. While nonhandicapped young children may make acceptable progress without early educational interventions, handicapped or at risk children do not. To deny them the attention that might increase their chances for improved functioning is not only wasteful, it is ethically indefensible. The importance of early intervention with handicapped children was emphasized by McDaniels (1977):

> Those infants at risk for handicapping conditions cannot wait until age six, or even age three, before receiving intervention that will help them. If as we are learning, children as young as one year or less can make fine discriminations, then that is the age at which programs should begin. (p. 26)

McDaniels acknowledged that there are stumbling blocks to the provision of early intervention programs and services to young handicapped children and their families. The task that needs to be done is enormous, and it is not one that can be accomplished by any one professional group in the effort to prevent and ameliorate handicapping conditions.

### What Is the State of the American Family?

The bare necessities of health care provision are not the only problem. The state of the American family has given many people cause for alarm and is the subject of the next White House Conference. Urie Bronfenbrenner discussed some of these concerns in an interview published in *Psychology Today* (Byrne, 1977).

> Today, more than one-sixth of all children in our country are living in single-parent families. The single parent is usually a woman . . . and she almost always works full time. . . . In fact, one-third of women with children under three are working. . . . The U.S. is now the only developed country in the world that doesn't have a national program providing child care for working parents, minimum family income, and health care for families with young children. Increasing numbers of children

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> [illegible] What a de- [illegible] the family [illegible] The family [illegible] The family is the first [illegible] of the family [illegible] later [illegible] the bond [illegible] between an infant and its caretaker a person learns how to get his basic needs satisfied by other human beings . . . A person needs more than just the opportunity to be a parent more than the opportunity to be a caretaker of some kind a teacher a health worker These people also need some help they need the resources to function effectively (pp 41 45 46)

James L Hymes in his annual publication *Early Childhood Education The Year in Review 1977*, corroborated some of Bronfenbrenner's statements when he said that "1 8 million working mothers admit that they leave their preschool children at home alone" (p 6) In the past such children might have been cared for by other adults or by older siblings; school personnel know that absences of school children are sometimes explained by the fact that older children may have to stay home with younger children Some of the problems were summed up in an address given by a psychiatrist (Dr Harold Voth) from the Menninger Foundation at a recent meeting of the Washington Medical Association (reported by Dieffenbach 1978) Certainly the problems are apparent in a few excerpts from his address. whether or not one agrees with the causes to which he attributes these problems

> Today's problems within the family are the result of earlier family dislocation caused by wars economic pressures and changing life-styles
>
> In a domino-effect situation those early-day parents have reared some of today's parents in an inadequate environment and today's parents in turn are rearing their children in an even less secure atmosphere
>
> All life springs from the family the fundamental unit of a society and mothering is probably the most important function on earth
>
> But 11 million children are being reared by a single parent the divorce rate is about 40 percent. and there are 1 3 million unmarried couples living together

If the family is indeed disintegrating that is bound to impact on child rearing generally; because handicapped children are more stressful to rear the impact on their well-being is likely to be more severe Josephine Brown (1978) recently reported findings of her study with Bateman of the interaction styles of mother-infant dyads in matched samples of premature and full term infants. Their findings that the birth and rearing of premature babies adds significantly to the stress levels of child care and most noteworthy that the patterns of interaction established in the first 3 months persist even after the premature babies have caught up developmentally with their full term peers reveal something important about the need for support and assistance to parents of at risk or handicapped children

## What Is the Scope of the Problem?

Some of the first questions to ask are these How many children are there in the birth to 3 age range? Isn't the birth rate declining? What percentage of the total birth to age 3 population is estimated or found to be handicapped? What is the infant mortality rate in the United States and how does this compare with infant mortality rates in other countries? Does this rate reveal something about health generally? What are the causes of handicapping conditions? How many handicapping conditions could be prevented? How? How early can handicapping conditions be identified?

### What Are the Problems in Estimating Incidence Figures?

To start our search for answers to some of our questions. let us turn to the Bureau of the Census and the population figures shown in Table 1 The reader will note that even these are estimated figures. but these estimates probably

**TABLE 1**

**US Population Estimates**

| Group | Estimate |
|---|---|
| Estimated total US population (July 1, 1977)[a] | 216,817,000 |
| Live births[b] | |
| 9/74–9/75 | 3,190,000 |
| 9/75–9/76 | 3,133,000 |
| 9/76–9/77 | 3,303,000 |
| Total age 0–3 | |
| 9/74–9/77 | 9,626,000 |

[a] Source Bureau of the Census

[b] Source Monthly Vital Statistics, National Center for Health Statistics

have more validity than some others that can be ferreted out.

Let's focus briefly on some of the problems encountered in trying to arrive at a reasonable estimate of the number of handicapped children in the birth to age 3 population.

Turning to some of the most recent information available, Programs for the Handicapped (1978), published by the Office for Handicapped Individuals, in an article entitled "White House Conference Issues Final Report," there is reference to America's 36 million disabled citizens. The Summary of the Final Report on the White House Conference on Handicapped Individuals states that "there are seven million children and at least twenty-eight million adults with mental or physical handicaps" (p. 3). However, there is no indication of how *children* is defined. There is a section beginning on page 25 entitled "Educational Concerns: Preschool (0–5 Years)." This section is followed by another section beginning on page 29 on "Educational Concerns: School Age (5–21 Years)." Most reports, such as the Annual Reports of the President's Committee on Mental Retardation, give information about the birth to age 5 population with information about the percentages of children served and unserved. Of those children who are served in this age range (0–5)—usually somewhere between 32% and 38%—one can but assume that most of the children served were in the 3 to 5 age range. Nor are other sources (such as statistics from the Census Bureau and the Children's Bureau) all that definitive.

### What Are Other Confounding Factors?

Clearly the task of estimating the incidence of handicapping conditions is not an easy one. Even in geographic areas where more complete data are available, there may be variances depending upon whether the data come from inner city, urban, suburban, or rural communities in the designated area. It has generally been thought that the incidence of some specific types of handicapping conditions was fairly uniform worldwide, but that assumption may need to be reconsidered. Interesting but surprising data were reported by John A. Connolly of Dublin on the incidence of Down's syndrome, a genetic anomaly that can be identified and verified before, at, or shortly after birth. His survey reported ranges from 1 in 432 to 1 in 747 live births. [illegible] (1977) stated "It is apparent that it is not feasible to [illegible] local [illegible] the estimation of national trends" (p. [illegible]).

Connolly had some further interesting observations:

> The findings presented in this paper suggest that the incidence of Down's syndrome has not shown a fall over recent years. This is in spite of both a falling birth rate in mothers of 35 years or older and a lowering of the marriage age. There is evidence that a cyclical pattern of incidence obtains.
>
> Apart from trisomy 21, there has also been shown to exist a bimodal age distribution for trisomy 18 (Taylor, 1967) and for trisomy 13 (Magenis et al., 1968). Thus there would be a peak incidence due to maternal age alone, or possibly with a relationship also to paternal age. A second peak seems to exist, but this is age independent. The 5% of affected births due to translocation or mosaic anomalies would not significantly affect this bimodal pattern. (p. 127)

In recent years we have come to think about handicapping conditions as being mild, moderate, severe, or profound. The ease with which individuals with handicapping conditions can be identified is probably in the reverse order; in other words, those with the most severe or profound handicapping conditions are the easiest to identify early. Some indicators of mild handicapping conditions such as cerebral palsy may not be observable and evident at the time of birth or even in the first year or so of life. There are other conditions that parents and some professionals may not recognize. Just recently, some professionals were surprised to read: "More than 50,000 people in the state are estimated by the Epilepsy Association of ________ to suffer from one or more of the seizure disorders called the epilepsies." The information was surprising because the state does not have a very large population. New terms are also appearing in the literature, such as *autistic syndromes*, suggesting that some of the handicapping conditions are probably more varied or complex than had previously been thought. Many children may also have associated or secondary handicapping conditions, thus making their particular problems more difficult to classify and treat.

### Are There Factors Leading to Increased Incidence?

While we seek to decrease the incidence of handicapping conditions in children, there are [illegible] the family [illegible] mentioned earlier is responsible for this would be worth exploring.

The scope of the problem and the severity of the injuries to even very young infants were not really recognized until a few years ago when the use of X-ray diagnosis revealed a hitherto unsuspected level of old fractures in various stages of healing. The first publication of a suspicion that parents or caretakers were often responsible for serious injury or death in their children occurred in 1955. Earlier, in 1946, Dr. John Caffey, a pediatric neurologist, published an article describing several instances of multiple fractures of the long bones of infants along with subdural hematomas. The fractures were in various stages of healing, but though Dr. Caffey suspected the injuries were due to trauma, he did not speculate about their possible causes or whether the inflicted injuries were imposed intentionally. Other radiologists reported similar findings in later years, but though Dr. F. N. Silverman suspected parental or caretaker carelessness as a cause, P. V. Woolley and W. A. Evans "were the first medical authors who attributed skeletal lesions to possible intentional acts of parents or of others caring for the children" (Gil, 1970, p. 19). Since Kempe and his colleagues published an article in 1962 in which they coined the term *the battered child syndrome* and reported on 302 hospital cases and 447 cases known to district attorneys (Gil, 1970, p. 21), there has been a growing awareness of the appalling magnitude of the problem and of the inadequacy of public information about what constitutes abuse and what can be done to protect children involved in incidents of abuse.

One other trend that is related to family life variables that were mentioned earlier, and that must be considered in a discussion of the incidence of handicapping conditions, is the alarming increase in the rate of teenage pregnancies reported in recent years. It is known that very young mothers are at greater risk for having poor pregnancy outcome than are women in the 20 to 35 age range. While the babies born to these young mothers may have biological problems as a result of maternal age, they may also be at risk because their parents are not prepared for parenthood. Fortunately, some public schools are now realizing the need for parenthood training and are beginning to provide programs that not only permit the mothers to remain in school but also are aimed at developing or improving the young women's and sometimes the young fathers' parenting skills. Brody (1978) reported another outcome of such programs:

> A recent congressional study on teenage childbearing shows that the number of teenage mothers receiving economic aid is reduced nearly 2½ times if the parents are able to complete their high school education after the birth of their first child.

However, the need for such programs far outstrips their availability.

### What Then, Are the Best Estimates?

Using what are apparently the most valid and reliable estimates of the total population and of the handicapped population, it appears that about 17% of the population in the United States is handicapped. Applying that figure to the 9,626,000 children in the birth to 3 age range in 1977 would give 1,636,420 handicapped children in that age range during that particular year. How do we know that the figures are this high? We don't, because a large percentage of these children are, for the most part, unserved by any well established network of service delivery. With increasing incidence of handicapping conditions because of environmental factors—teenage pregnancies, child abuse and neglect, accidents, lack of public awareness, immunization, and parent programs—the figures are no doubt low for the birth to 3 age range. Even where fairly good examinations of infants take place at birth or during the first year or so of life, certain types of examinations for the identification of some handicapping conditions are rarely provided except where the child shows some rather obvious delays or disabilities. The more subtle signs may go unnoticed in these routine and short examinations.

*Are there differences between estimates and actual counts?* Opponents of serving birth to age 3 handicapped children and their families are undoubtedly going to ask. But what about the discrepancies in estimates and actual number of children found or served in other age levels? Those who live in the "real" world know that the provision of services costs money and that the private and public services now available could not possibly serve all those children and families who need services. In some areas such services do not even exist. Some physicians and other health personnel are reluctant to tell parents about their children's needs when they know that there are no services available in their home communities.

In some areas where Child Find has reported only a small number of handicapped children, some concerned professionals have contacted physicians, other professionals, hospitals and parent groups and have frequently turned up five or 10 times the number of children reported by Child Find.

The editors of *Closer Look* (a project of the Parents' Campaign for Handicapped Children and Youth) suggest in their December 1978 issue some problems in achieving accurate counts of handicapped children. Among these are the following: (a) some school districts with insufficient budgets to provide appropriate services are reluctant to admit this inability and their consequent noncompliance with Public Law 94-142, and therefore do not count all handicapped children; (b) states in turn do not report these unserved children; (c) dates on which children must be counted have led to mechanical problems in catching within the net all children needing services; (d) there are insufficient numbers of trained specialists to identify all children needing services; (e) children leaving elementary school become "part of a forgotten population" because there are not enough programs to serve them; (f) preschool and nonpublic programs often remain uncounted; and (g) parents, "among the best sources of information about the whereabouts of handicapped children," are often not invited to participate in child identification efforts (p. 8).

Some of these factors no doubt contribute to the following statistics cited by The Council for Exceptional Children in their publication, *Exceptional Child Education at the Bicentennial: A Parade of Progress* (1977): "Currently, only about 40% of school aged handicapped children receive appropriate specialized educational services. The estimate for preschool children is only about 25%" (p. 93).

### Are We Being Short-Sighted?

A basic problem is that children's needs do not fit our budgets. Do we really want to know just how good or how bad a job we are doing, or do we want to continue to offer excuses and raise questions that detract attention from our piecemeal, too-little-too-late, penny-wise-and-pound-foolish, exclude-rather-than-include approach to solving these problems?

Our failure to provide good educational programs and services for the birth to age 3 handicapped population and their families simply compounds difficulties for everyone. Many problems could be prevented. There are critical periods for learning different skills, and once these critical periods are past, learning becomes much more difficult. For instance, we cannot ignore the links between the development of communication skills and later learning disabilities and reading comprehension. Yet we talk about the postponement of intervention to age 3 or even later. In looking at data relative to learning disabilities, some note that the percentage of children who need special help early is so great that programs can be provided for only a small percentage of the children—*after* they have been identified as having delays of three to four years in specific areas such as reading, spelling, writing, or arithmetic. There are early and clear signals that these children will have later problems unless this population is reached when intervention will be most effective and efficient in terms of cost.

Within the past few years, "research studies examining the long-term effects of early intervention programs have begun to show that over several years, children with preschool experiences do better than children who needed such services but did not receive them by age five or six" (McDaniels, 1977, p. 27). In one study (Hayden, Morris, & Bailey, 1977), 34% of a sample of preschool handicapped children served in the Model Preschool Center for Handicapped Children at the University of Washington from 1969 to 1976 were functioning well in regular classroom placements at the time of the 1976 study. Another 22% of the sample still needed support services but were functioning cognitively as well as others in regular class placements. Thus early intervention may make it possible to correct or ameliorate certain conditions that could militate against pupil progress in the school years. It should also be noted that not all of the benefits accrued to these children alone. Their families were pleased and felt that their efforts as members of the teams that worked with the children had been rewarded.

But there is need for more research. Those who are interested in efforts to prevent mental retardation and the difficulties of ascertaining accurate incidence figures should read the article "A National Crisis in Mental Retardation Research" (Zigler, 1978), and other studies mentioned here briefly.

## What Is Being Done?

By now the reader may think that the news is all bad. However, there are some promising trends and new directions that deserve mention here, including established or potential networks that could be used in providing services and education programs for 0–3 handicapped children and their families.

The Handicapped Children's Early Education Programs network funded by the Bureau of Education for the Handicapped (BEH) is one. Dr. Ed Sontag, Acting Chief, Program Development Branch, US Office of Education, discussed some of the Bureau's efforts in a speech to project directors in October 1977. He pointed out that 64% of the BEH funded demonstration and outreach projects serve children from the age of birth, and that 21% focus on serving children under the age of 3. Dr. Sontag also mentioned a unique, innovative program funded by the Bureau which trains pediatricians in early childhood education, certainly a step in the direction of improving identification and assessment efforts.

The Bureau of Education for the Handicapped has also funded 22 states to implement early childhood education plans. Although some of these state plans concentrate on preschool children (from age 3 to age 5 or 6), there are some states where the legislation permits services to younger children.

The Bureau of Developmental Disabilities network is now serving children in the birth to age 2 population.

Mandates have been established by four states to serve children from birth onward.

Models have been established by school districts, such as the Madison (Wisconsin) Public Schools, to serve children from birth onward, and one must applaud the willingness of some school districts to develop pilot or model projects serving the birth to age 3 group.

Service is not the only area in which there are advances, however. It is gratifying to realize that infants and very young children have become the focus of highly sophisticated research efforts, and that these efforts are worldwide.

> In the past ten years, a virtual knowledge explosion has occurred in all areas of infant research. In many studies and technological advances have enabled us to [illegible] broaden our understanding of the amazing capabilities of babies. Such advances have permitted a remarkably different view of the infant to emerge. (Kaiser & Hayden, 1977, p. 4)

The encouraging thing about this new focus on and interest in the infant and young child is that the contributions to knowledge are coming from different disciplines and from many different countries of the world. We are learning not only about the incredible competencies of infants and very young children, but also about their relationships with others; the literature on parent-infant bonding and interactions, including those with fathers—those formerly neglected members of the infant's world—is certain to impact on the approach to very young children.

Awareness materials are being prepared by Closer Look and by the March of Dimes. Many popular magazines publish articles by leading specialists such as Dr. Brazelton and articles describing some of the work by Klaus and others on infant-parent bonding, for instance. Anyone who watches television has seen the spot announcements concerning child abuse, the need to be alert for signs of handicapping conditions, the risks of prematurity. And it is gratifying to realize that many of these spot announcements have been moved from late night and early morning hours so that people other than insomniacs can hear them.

Finally, there are some important models being implemented in other countries to which we must pay attention. According to Jane DeWeerd, Chief, Early Childhood Section, Bureau of Education for the Handicapped:

> Some other countries have developed ways to assure entry of the young child who needs special services into a system where he or she will be helped and tracked. In England a home health visitor visits every new baby born in her neighborhood in the hospital and after six months at home. Their goal is to prevent health problems and provide support to families, giving advice on immunization, diet, early assessment, and to provide support for special needs. Regular medical checkups are made until the child is four years old. The Warnock Committee has just completed three and a half years of study of the entire range of needs and services for all handicapped children from birth to school-leaving age to plan future educational services. The committee estimates that one child in five will at some time need some special educational or support services. If the report is ap-

proved and funded by Parliament support will be provided for special help to families of handicapped children below the age of five and counseling services will be expanded.

Closer to home there are also steps being taken to alleviate the anxieties of parents of handicapped children and to direct them to necessary services. Speaking of the 17 Direction Centers funded by the Bureau of Education for the Handicapped, Jane DeWeerd noted:

> One of the needs most keenly felt by parents who think their young children may have a handicap is to find the right people to talk with. They need to find people who are knowledgeable about referrals and skilled in communicating with sensitivity. The Direction Centers . . . are an attempt to provide guidance to services.

These are all beginning steps. So much more remains to be done that it is often discouraging. With increased awareness of the needs that do exist, and with better understanding of the scope of the problem, we should be able to arrive at reasonable solutions.

The 21 year olds in the year 2000 will be born in 1979. What are we doing now and what will we do in those years before that group reaches the age of 21 to ensure that the quality of life for the handicapped in the twenty-first century will be an improvement over the quality of life this population has experienced in the twentieth century?

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***ALICE H. HAYDEN** is Professor of Education and Director of the Model Preschool Center for Handicapped Children, Experimental Education Unit, College of Education and Child Development and Mental Retardation Center, University of Washington, Seattle.*

Enrolled

S.C.R. No. 96

# SENATE CONCURRENT RESOLUTION

**WHEREAS**, The State of Texas has made steady and commendable progress toward providing an appropriate free public education for all handicapped children ages three to 21 under federal and state funded programs; and

**WHEREAS**, State funding for early intervention and education programs for handicapped infants reaches only the blind, deaf, and deaf-blind and those children with other handicaps in areas where there are Texas Department of Mental Health and Mental Retardation community centers; and

**WHEREAS**, Texas Department of Mental Health and Mental Retardation funding for infant stimulation and early intervention programs has been unpredictable and unstable; and

**WHEREAS**, Handicapped children between birth and age three can make great gains, and their future potentials for education and productive roles in society may be greatly enhanced by timely provision of services which counsel parents and teach them how to work with their children for maximum development and amelioration of handicapping conditions; and

**WHEREAS**, It is desirable to explore the possibility of providing a state program of early intervention services for handicapped children ages 0 to three and to assess the cost effectiveness of such a program in terms of preventing future institutionalization and dependency; now, therefore, be it

**RESOLVED** by the Senate of the State of Texas, the House of Representatives concurring, That the 66th Legislature hereby create a special Interim Study Committee on Early Childhood Intervention

Services, to consist of the following: a member of the Senate appointed by the Lieutenant Governor, a member of the House of Representatives appointed by the Speaker of the House, a representative of the Central Education Agency designated by the Commissioner of Education, a representative of the Legislative Budget Board designated by its director, a representative of the Texas Department of Mental Health and Mental Retardation designated by the Commissioner of Mental Health and Mental Retardation, and a representative of the Texas Department of Health designated by the Commissioner of Health; and, be it further

**RESOLVED**, That the committee elect its own chairman, vice-chairman, and such other officers as it deems desirable; and, be it further

**RESOLVED**, That the committee make a thorough, comprehensive, and analytical study of early childhood intervention services programs in Texas serving handicapped or developmentally disabled children from birth to age three, including but not limited to accessibility, participation, funding, staffing, personnel training and effectiveness, facilities, and training materials and equipment; and, be it further

**RESOLVED**, That the committee give special attention to the projected cost, cost effectiveness, and long-range economic and social implications of providing a state-funded program of early childhood intervention services administered by the Central Education Agency; and, be it further

**RESOLVED**, That the committee have the power to issue process to witnesses at any place in the state, to compel their attendance and the production of all books, records, and instruments, and to issue attachments where necessary to obtain compliance with subpoenas or other process, which may be addressed to and served by any peace officer in this state; the chairman of the committee shall issue, in the name of the committee, such subpoenas as a majority of the committee shall direct; in the event the chairman is absent, the vice-chairman or any designee of the chairman is authorized to issue subpoenas and other process in the same manner as the chairman; witnesses attending proceedings of the committee under process shall be allowed the same mileage and per diem as is allowed witnesses before any grand jury in this state; the testimony given at any hearing conducted pursuant to this resolution shall be reduced to writing and shall be given under oath subject to the penalties of perjury; and, be it further

RESOLVED, That from the Contingent Expense Fund of the Senate and the General House Fund, equally, members of the committee be reimbursed for actual expenses in carrying out the purposes of this resolution, and that other necessary expenses of the study be paid from the Contingent Expense Fund of the Senate and the General House Fund of the House of Representatives, equally; and, be it further

RESOLVED, That the joint committee shall prepare a budget for its operating expenses which shall be submitted to the Senate Committee on Administration and to the House Administration Committee, and no expenditure shall be made until the budget has been approved; prior approval of nonbudgeted expenditures must also be obtained from the Senate Committee on Administration and the

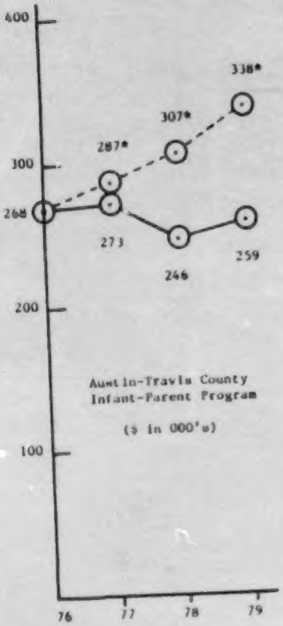
House Administration Committee; and, be it further

**RESOLVED**, That the committee be authorized to employ staff for the conduct of the study; and, be it further

**RESOLVED**, That the committee make such interim reports as it deems desirable and submit its final report, including findings and recommendations and drafts of any legislation necessary to implement the recommendations, to the 67th Legislature when it convenes in January 1981; five copies of the completed report shall be filed in the Legislative Reference Library; five copies shall be filed in the office of the Texas Legislative Council; two copies shall be filed with the Secretary of the Senate; and two copies shall be filed with the Chief Clerk of the House of Representatives; following official distribution of the committee report, all remaining copies shall be deposited with the Legislative Reference Librarian.

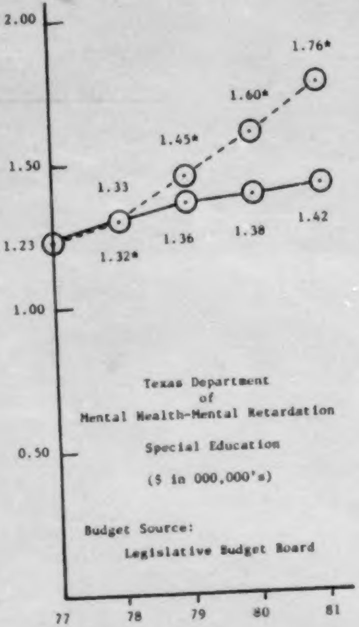
## BUDGET TREND COMPARISONS
## PROGRAM/CATEGORY SHOWN VS INFLATION RATE BUDGETS

NOTE: INFLATION BUDGETS ARE BASED ON 7% FY 77-78 AND 10% FY 79-81
AMOUNTS IDENTIFIED BY * ARE "INFLATION RATE BUDGETS"



Austin-Travis County
Infant-Parent Program

($ in 000's)

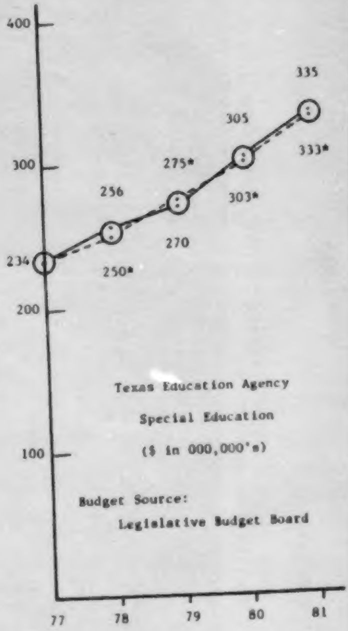


Texas Department
of
Mental Health-Mental Retardation

Special Education

($ in 000,000's)

Budget Source:
Legislative Budget Board



Texas Education Agency

Special Education

($ in 000,000's)

Budget Source:
Legislative Budget Board

## QUESTIONS

### FAPE QUESTIONS

1. What is your understanding of the term "free appropriate public education?

2 As a parent of a handicapped child can you tell us what, if any, programs are offered by your school district to nonhandicapped children but not to handicapped children?

3. What impact has Public Law 94-142 had to date on the quality and quantity of school services provided the handicapped by your school district?

4. Since the enactment of Public Law 94-142 what progress has been made and what problems remain with respect to the identification, diagnosis and placement of handicapped children?

5. To your knowledge are there any state or local limits on the amount of reimbursement that parents may receive for private school placement or for cost of related services? If there are such limitations, do they conflict with the requirement in Public Law 94-142 that a free appropriate education be provided to every handicapped child between the ages of 5 and 18?

6. As a parent of a handicapped child, how would you rate the overall effort of school administrators and teachers in providing your child with a free appropriate public education?

FAPE Questions

1. In the Commonwealth of Penna. the School Districts working through the Intermediate Unit must provide my child with a free education based on his appropriate needs. (or IEP)

2. If you question any District in Schuylkill County they would tell you that all activities, curricular or otherwise are available to all children but, as a handicapped person try to get them!

3. It strongly enforced what free and appropriate education that was already in existance and forced the districts to "seek out" handicapped children otherwise ignored.

4. We no longier have children secluded in one room of their homes never knowing any world. There's hope for even the most severe and profound children through the home bound services. One problem that has come to my attention repeatedly is the child sitting in District classrooms stagnated because of constant delays in identification or diagnosis. This I believe is the fault of the district teachers not being aware of exceptional children and their needs.

5. For approved private schools the full cost would be provided for a handicapped child. 3/4 % being paid by the State and 1/4 % by the school district.
No they do not conflict.

6. Good.

## QUESTIONS

### LRE QUESTIONS

1. What do you understand the requirements of Public Law 94-142 to be regarding the placement of handicapped children in least restrictive environments?

2. What changes have occurred with respect to the placement of your handicapped child in a least restrictive environment as required under Public Law 94-142?

3. Does your child spend any part of his day in a regular classroom?

4. For what activities is your child included in the regular class program?

5. Do you feel the time spent in the regular class is appropriate to your child's educational needs?

6. Do you know whether the regular class teacher receives any special assistance or materials in order to develop an appropriate individualized program for your child in the regular class?

7. What are the differences in class size between the regular class and special education class your child attends?

8. Have there been any problems with nonhandicapped students accepting handicapped children in the regular classroom?

9. Who is providing the majority of educational services for your child? Do you know what proportion of his educational program is the responsibility of a
    --special education teacher,
    --regular class teacher,
    --classroom aide?

10. How would you respond to the concern that some handicapped children are being "dumped" into regular classrooms and thus are receiving fewer educational services than would be provided in self-contained classes or residential settings?

LRE Questions

1. The law states very clearly that when making placement for a child it must be done on an individual basis. Each child should have his/her mentality and needs examined by both staff and parents. A revised IEP should be written up.

2. My childs entire last year in shool was a constant change because of a new school which was built to house the special education students from Schuylkill County, also, because of LRE, he was moved to different teachers at different levels. He spent two weeks of constant distress because his teacher was put into a different class to teach for the rest of the year. Also, many of the classmates he started with at the beginning of the year were moved into different classes.
After the two weeks of total confusion, his new teacher and myself tried to work only on his emotional needs, as I felt that was the most important factor.

3. No.

4. None.

5. Does not apply.

6. Even though my son is not in a district school, I am aware of how hard it is for special education teachers to have the proper supplies for their students to go to a district class. Many of our families do not have money to buy such supplies and the Intermediate Unit cannot afford to buy special notebooks for one child to go to one class a day. None of the districts have any materials in their libraries for special education students.

7. The classes that have gone out to the districts have all started when our Intermediate Unit had the minimum number to come into compliance. Do you feel six students along with one teacher and aide is reason to spend tax dollars? Our aides are needed in the center where there are 15 students per classroom.

8. I cannot answer for nonhandicapped students. I have only discussed this matter with parents and many of our older students that have been mainstreamed for many years. For some it has worked and for others the children have been miserable.

9. Intermediate Unit 29
His entire day is the responsibility of the special education teacher.

10. It is very evident to me from talking to parents in Schuylkill, Luzerne, Berks, Allegheny and Dauphine Counties, that my child is far more advanced acedemically, socially, and most importantly emotionally because of the services provided for him through Intermediate Unit 29. Parents of children in district classes have made comments like, my daughter is put to the back of the room for her entire day and never talked to. My daughter may not eat lunch when the other children go. My son cannot read or write anything. These are children with the same birth defect as my son! My son will have an adequate education for not only his mentally but to build a strong self image of himself. Where he is presently being educated, he can be at the top of his class if he applies himself. There isalways reading material and other books for his mentally.

## QUESTIONS

### IEP QUESTIONS

1. Does your child have an IEP?

2. At what stage in the development of the IEP were you encouraged to become actively involved? How were you notified?

3. Who comprised the IEP development team for your child? Was the special education teacher involved in the development of the IEP?

4. Were any social service agencies which might provide related services to your child involved in the development of the IEP?

5. Were your child's IEP conferences scheduled during regular school hours? Did you participate actively in the development of your child's IEP?

6. What, if any, problems did you encounter as a parent in the development or implementation of your child's IEP?

7. What follow-up procedures were used to ensure that the goals and objectives of the IEP were actually carried out in the classroom?

8. In your opinion, were the services of your child's school adequate to implement the provision of his IEP?

9. Do you feel the IEP requirement stipulated by Public Law 94-142 has affected the quality of the educational services available to your child?

10. In your opinion as the parent of a handicapped child how might the process of developing and implementing IEP's be improved?

11. What proportion of your IEP deals with related services, such as transportation, physical therapy, etc.?

12. If you were given the opportunity to amend the Federal regulations which govern the IEP, how would you change them?

IEP Questions

1. Yes. Schuylkill County started IEP's in Oct. 1, 1977.

2. When the IEP is written up.
By telephone and followed up by mail.

3. Persons directly involved with my childs teaching, plus my school district superintendent and the special education supervisor.
YES

4. No. When needs arise for such agencies they have been available. Such agencies may be United Cerebral Palsy, Children Services, Family Services, etc.

5. IEP conferances are usually scheduled at the convenience of the parents.
Yes

6. I have had no problems with any of my sons IEP's.

7. I visit my sons school and classroom very often and talk directly with all the staff involved with his education. His teachers and I have always worked together to achieve his goals and if the need arises as it did this past year, we have slowed down the goals of the IEP so that his emotional stubility would also be a major consideration.

8. Yes.

9. In Intermediate Unit 29 the children have always received quality education.

10. They have been administered and dealt with in a smooth fashion in Schuylkill County.

1. They are given equal importance written by the persons providing the services.

12. I personally do not see the need for IEP's for my son, as we also have used the personal check list for him. The check list gives me a more complete picture of his strengths and weaknesses. At this time the only good point of the IEP is that if I am not in agreement with his placement, I could go through due process.

MS. JUDY THOMAS - QUESTIONS

1. WOULD YOU PLEASE SUMMARIZE THE EVENTS WHICH LED TO YOUR PRESENT POSITION WITH REGARD TO PUBLIC LAW 94-142'S LEAST RESTRICTIVE ENVIRONMENT PROVISION?

2. WHAT ACTIONS BY THE BUREAUCRACY HAVE INDICATED TO YOU THAT A FIXED PERCENTAGE OF CHILDREN HAVE BEEN TARGETED FOR MAINSTREAMING?

3. CAN YOU DESCRIBE THE NATURE OF STUDENT PARTICIPATION IN THESE CLASSES WHICH SUGGESTS TO YOU THAT THEY ARE NOT BEING "INTEGRATED"?

4. WHY HAVE THESE STUDENTS BEEN PLACED IN A SCHOOL 20 MILES AWAY FROM THEIR HOME? DO THEIR AGE-MATES IN THE SAME NEIGHBORHOOD GO TO THAT OR ANOTHER SCHOOL?

5. WILL YOU EXPLAIN THAT PROBLEM IN GREATER DETAIL? WHY DOES YOUR DISTRICT HAVE ANNUALLY CHANGING CLASSROOM AVAILABILITY?

6. IN YOUR VIEW, HOW DOES LRE "FORCE ACCEPTANCE" OF THE HANDICAPPED?

7. DO YOU KNOW THE LOCAL STIPULATED MINIMUM ENROLLMENT? WHAT IS YOUR CHILD'S CLASS ENROLLMENT?

MS. JUDY THOMAS - QUESTIONS

8. WHAT IS THE RANGE OF EXCEPTIONALITIES SERVED IN SUCH CLASSES?

9. DO YOU FEEL YOUR CHILD'S LRE TEAM WAS RESPONSIVE TO HIS INDIVIDUAL NEEDS OR DO YOU FEEL THE TEAM HAD A PREDETERMINED VIEW OF WHAT YOUR CHILD'S PROGRAM SHOULD BE BEFORE CONSULTING WITH YOU?

10. HOW ARE INDIVIDUAL STUDENTS' ACADEMIC NEEDS ACCOUNTED FOR?

11. WHAT SPECIAL FACILITIES AND PROGRAMS ARE MADE AVAILABLE TO YOUR CHILD IN HIS PRESENT SCHOOL PLACEMENT?

12. WHAT FACILITIES OR PROGRAMS WOULD HAVE BEEN AVAILABLE IN THE CENTER?

SUMMARY
Questions asked concerning Judy Thomas testimony.

1. Upon completion of a 12.5 million dollar school which our 12 school districts in Schuylkill County began to build 7 years ago, the Dept. of Education in Penna. sent a letter to Mr. Snyder, Ex. Director of Intermediate Unit 29 stipulating the reasons why our school would not open. Mainly the issue of "Least Restrictive Environment". See enclosed letter date January 11, 1979 addressed to Mr. Snyder from Dr. Makutch.

2. The LRE team rejected the plan submitted on Nov. 15, 1978, to the Dept. of Ed. In that particular plan there was in fact, resource rooms, self contained classrooms and mainstreaming shown as well as full useage of the new center. Again see enclosed letter, page 2, number 4, stating which students would be permitted to use the center and which students would be excluded. It seems once the Intermediate Unit submitted the "right" number of district classrooms which are mandated to have a minimum number of students that certainly results in percentages!

3. The LRE classes were moved approximately 2½ months prior to the closing of school year for 1979. There was no introduction or in-service for district educators. In talking with both district and special education teachers, I became aware that the classes were not being integrated as per the childs IEP's. It became apparent the districts would not disrupt their scheduling so close to the end of the school year. It has also come to my attention at the Intermediate Unit Local Task Force meeting that the scheduling of students for the 1979-80 school year will not go out to the districts in time to be included in cirriculum now being scheduled.

4. In order to fill the minimum student requirements for the required "X" number of LRE classes, it is necessary to pull students from all districts. Because of our large radious the only alternative to traveling far distance would be for each district to establish their own classes, which has already been proven unfeasible.
(part 2) District children are all schooled within reasonable distance of their homes.

5. See item number 3 on enclosed letter. To my knowledge what the districts have indicated to the LRE team and what space actually exists are two different things! At the onset of the LRE classes, five were placed throughout our county after considerable "passing the buck". Again it was brought to my attention at the Intermediate Unit Local Task Force meeting that most of the classes which were placed last year in the districts would have to moved to other district schools this year.

SUMMARY
page 2

6. I don't believe LRE will mean acceptance for the handicapped children. If it did it would only be on an individual basis.

7. In Penna. it would depend on the type of program you were placing in the classroom, also, the type of room you are referring to and the handicap of the children.
part 2 of the same question. Our Intermediate Unit adhers to all special education guidelines in all situations.

8. My concern stems from number 11, page 2 of the enclosed letter. To date my son has been in classes which have been all EMR childrenequal to him both chronologically and psychologically.

9. They did not know what my EMR sons needs were when they stated only severe and profound and only TMR children would use the center.

10. The IEP is revised annually. Also, our Intermediate Unit has a check list which follows my son throughout his school years. Most important "how are his emotional needs accounted for"? It seems their emotional needs have been lost in the shuffle of LRE mainstreaming.

11. The majority of special education children are mainstreamed for art, music and phy. ed. It is totally questionable whether any of this integration takes place! To my knowledge there are no special programs made available for the special education childrens needs.

12. Total inclusion is every aspect of my sons day. Especially satisfying his emotional needs. The convenience of related services which is too often sporadic in the district classrooms. Specially trained teachers and equipment for my sons needs. The childs feeling of total equality and acceptance, therefore enhancing their self image.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF EDUCATION
BOX 911, HARRISBURG, PA. 17126

January 11, 1979

Mr. William Snyder, Executive Director
Intermediate Unit #29
420 North Centre Street
Pottsville, PA 17901

Dear Mr. Snyder:

The LRE plan submitted to the Pennsylvania Department of Education on November 15, 1978 is not approvable. The plan does not meet the requirements of Public Law 94-142, Section 504 and State Regulations and Standards dealing with the least restrictive environment and mainstreaming. The review of the written plan and results of the LRE Advisory Team visit indicate that the following are among the reasons why the plan is not approvable.

1. The plan fails to provide a full continuum of placement alternatives for all handicapped children.
2. There is a disproportionate number of mild handicapped children in special education centers rather than in regular education facilities. In addition the plan provides for mild and moderately handicapped children to receive their education in the new special education center.
3. The IU is not making use of the reported space available in regular elementary and secondary schools.
4. The plan does not address the use of the center for alternative use by non-handicapped children.
5. The plan does not allow for parents learning about alternative placements and informing them of less restrictive placements in which appropriate programs of special education can be provided.

At the conclusion of our meeting of January 9, 1979, it was agreed that a summary of the meeting would be written and forwarded to you. The summary is written below.

1. The IU will schedule a meeting with all superintendents for January 15, 1979 to explain the LRE situation and to ask for support in implementing an approved LRE plan.

2. The plan will be revised by a team chaired by Dr. Ausbauch. The team will include Dr. Davidson, another superintendent, Mr. Dick Campbell and another IU special education director and Mr. Jeffery Grotsky.

3. The team will meet on January 18, 1979 to discuss this revision based on data that you will provide at that meeting.

4. The new special education center will be initially used for only severely and profoundly mentally retarded and trainable mentally retarded children. However, it must be understood that the decision to move such children will be accomplished by individual child review and that the LRE plan must also consider these children for future movement to regular schools if it is deemed appropriate.

5. No other handicapped children will use the new special education center until the LRE plan is approved by this Department.

6. The use of the new facility cannot be limited exclusively to the handicapped. Additional uses must be explored and the plan must specifically state alternative uses.

7. A preliminary report of the LRE team will be provided to you which will include only recommendations. A full report will be forthcoming at a later date.

8. The national incidence figures and their use as an argument that only the most severely handicapped are being served by the IU is not an appropriate position and should not be part of the revised plan.

9. The implementation of an LRE plan cannot be contingent upon future increased funding.

10. The plan should address movement across placements; that is, by providing a full continuum, children can move from a center to a self-contained class in a regular school. By providing a full continuum, movement can be made to less restrictive environments.

11. In areas of the IU where there are small numbers of EMR, LD, and SED children, the feasibility of mixed category classes should be explored.

12. A draft of the revised plan will be submitted by January 26, 1979.

I trust this letter represents a thorough summary of our discussion. If you have any further comments, please feel free to contact me.

Sincerely,

Gary J. Makuch
Director
Bureau of Special Education

cc: Frank Manchester
Bob Ausbauch
Jeff Grotsky
Bill Davidson
John Alzamora

SUZANNE K. KENDRICK - QUESTIONS

1. In what ways has Public Law 94-142 helped or hindered your efforts to secure an appropriate special education program for your handicapped child?

   *Public Law 94-142 has been most helpful in that it mandates parent participation permission, as well as providing an appeal process. The requirements that the child be educated along with his able bodied peers, where appropriate, made it possible for our own son to be mainstreamed with very positive results.*

   *However, as I pointed out on page 4 of my written testimony, the appelate process breaks down when the home school district recommends placement in a program in another district, and the receiving school district exercises the right to re-do the evaluation team's recommendation and/or alter the placement decisions.*

2. In your opinion as a parent, what problems persist which affect that process?

   *At the present time, there does not appear to be any recourse available to parents or the home school district for dealing with the problem presented under number 1 above. In my opinion, this particular situation should probably be considered a compliance issue in that the law places responsibility for placement decisions with the home district, the decision had been cleared with the Wisconsin Department of Public Instruction as required, and the home district was paying all tuition and transportation costs. However, the responsibility of the receiving school district has not been specified in the law.*

3. Can you give an example of an instance where Wisconsin children are "mainstreamed" without the needed special education and related services?

   *Two high school students in wheel chairs placed in the back of the room during chemistry lab instead of being close enough to at least observe the experiments or preferably participate in the experiments with the assistance of an able bodied partner. Children with physical disabilities observing physical education classes rather than participating in adaptive physical education programs. Several regular classroom teachers have complained that children with disabilities are placed in their classrooms, and the teachers are not provided with any information about their special needs or their disability.*

4. Do you know whether this is a common or unusual occurence?

   *I can only say that enough examples have been brought to my attention that it appears to be a problem that needs to be dealt with on a broad basis. There appears to be a need for parent education on what an "appropriate" education program is, and inservice training for school personnel on strategies for meeting the special education needs of children who are mainstreamed.*

5. You allude to situations in Wisconsin in which two or three years may pass before a parent discovers his child is not learning. Is this situation still ongoing in Wisconsin to your Knowledge? Has Public Law 94-142, with its IEP provision, had any impact on such situations?

   *As I stated in my testimony, Wisconsin is out of compliance with PL 94-142 in implementation of the IEP process. At the present time the parent signs permission for placement before the IEP is developed. Depending on the school district, the parent may or may not participate in the development of the IEP or even know of its existence. As a result, the problem may not come to the parents attention until the child is re-evaluated by the multi-disciplinary team, which takes place at least every three years.*

   *Amendements will be introduced in the Wisconsin legislature this fall which should bring the Wisconsin statutes into compliance with PL 94-142.*

6. Do you feel Public Law 94-142 has contributed to the removal of the attitudinal barriers which prevent people with disabilities from participating fully in the society?

   *I feel that PL 94-142 will contribute to the removal of the attitudinal barriers, however, the process will take time.*

1. What is your understanding of the term "free appropriate public education"?

   *Education provided at no cost to the parents which assures an opportunity for the child to develop his maximum potential.*

2. As a parent of a handicapped child can you tell us what, if any, programs are offered by your school district to nonhandicapped children but not to handicapped children?

   *I do not know of any at this time.*

3. What impact has Public Law 94-142 had to date on the quality and quantity of school services provided the handicapped by your school district?

   *Although we have experienced problems, my feeling is that overall both our home district and the receiving district have made great efforts to improve both the quality and quantity of their school services for children with disabilities.*

4. Since the enactment of Public Law 94-142 what progress has been made and what problems remain with respect to the identification, diagnosis and placement of handicapped children?

   *Although there appears to be isolated specific kinds of problems, I find it difficult to generalize these across a whole district or the state.*

5. To your knowledge are there any state or local limits on the amount of reimbursement that parents may receive for private school placement or for cost of related services? If there are such limitations, do they conflict with the requirement in Public Law 94-142 that a free appropriate education be provided to every handicapped child between the ages of 5 and 18?

   *To my knowledge no limits exist.*

6. As a parent of a handicapped child, how would you rate the overall effort of school administrators and teachers in providing your child with a free appropriate public education?

   *With the exception of last year (1978-79) the effort was excellent, in our opinion.*

1. What do you understand the requirements of Public Law 94-142 to be regarding the placement of handicapped children in least restrictive environments?

   *Whenever possible the child should be educated along with his/her able bodied peers. If the child needs to be educated in a segregated classroom for all or part of a day, that classroom should be in a regular school building and opportunities provided for integrated experiences in the cafeteria, on the play ground, etc.*

2. What changes have occurred with respect to the placement of your handicapped child in a least restrictive environment as required under Public Law 94-142?

   *From the fall of 1975 to the fall of 1978 our son was integrated for all but one hour a day. During the 1978-79 school year he was in a segregated classroom all but one class a day.*

3. Does your child spend any part of his day in a regular classroom?

   *Yes, one class a day.*

4. For what activities is your child included in the regular class program?

   *High school biology.*

5. Do you feel the time spent in the regular class is appropriate to your child's educational needs?

   *Based on his successful years in regular classes, we feel he was inappropriately placed in most of the segregated classes.*

6. Do you know whether the regular class teacher receives any special assistance or materials in order to develop an appropriate individualized program for your child in the regular class?

   *Yes, this is why our son's experiences were so positive in terms of his learning and improved self-image.*

7. What are the differences in class size between the regular class and special education class your child attends?

   *Regular classes have approximately 3 times more students.*

8. Have there been any problems with nonhandicapped students accepting handicapped children in the regular classroom?

   *Problems have been minimal because of the efforts of school personnel to help the able bodied students understand and accept the children with disabilities.*

9. Who is providing the majority of educational services for your child? Do you know what proportion of his educational program is the responsibility of a
    - special education teacher,
    - regular class teacher,
    - classroom aide?

*During the years that our son was mainstreamed the special education teacher worked in the classroom along with the regular teacher (There were usually 4-6 children with disabilities in each class). The special teacher provided special materials and assistance as needed.*

10. How would you respond to the concern that some handicapped children are being "dumped" into regular classrooms and thus are receiving fewer educational services than would be provided in self-contained classes or residential settings?

*Every effort must be made to meet the child's exceptional educational needs in the regular classroom whenever possible. There is adequate evidence that this can be done successfully. One very important aspect of a child's social growth and development that cannot be learned in a segregated setting is how to get along with and relate to peers with a variety of individual differences.*

*As I stated in my written testimony, my son did not have an IEP last year. Although he had an IEP the previous two years, I was not involved in its development.*

Senator **Randolph**. Now we have the opportunity to hear Mrs. Sonya Mawhorter of Ohio, and Mrs. Margaret Burley of Ohio. So if you will be comfortable and, hopefully, within the next 10 minutes, or maybe less, we will be able to proceed.

[Short recess.]

Ms. **Forsythe**. I think the Senator would like you to continue the hearing.

Mrs. Mawhorter, would you please begin?

## STATEMENTS OF SONYA MAWHORTER, COLUMBUS, OHIO, AND MARGARET BURLEY, PROSPECT, OHIO, A PANEL

Mrs. **Mawhorter**. I am very, very pleased to be here today. In the light of the testimony I heard already, the first thing that happened to me when I found out I had a handicapped child was that I called Washington, D.C. I did not know there was something between me and the Federal Government. I am glad to be here.

Thank you for the opportunity to be with you today to share some of my experiences as a parent of a child with a handicap. First, let me begin by saying that Public Law 94-142 is a good and reasonable law, and one which will ultimately impact on all phases of life in this country. For years, generations of handicapped children grew up without proper educational skills and became handicapped adults whose only resources for survival were welfare or State institutions. In most cases this outcome of human endeavor was a waste to the individuals and to society. People who have handicaps are people first, handicapped second.

I feel that Public Law 94-142 speaks first to the similarities in people and then to their differences. All of us, whether or not we are handicapped, are aware that equal does not mean the same, and that no person should be in such complete control of another person's life, as to relegate that life to a substandard existence. Public Law 94-142 is one of the most outspoken and articulate documentations of America's true commitment to human rights and must not be diluted.

As I have said, I am a parent with a child whose handicap is deafness complicated by minimal brain damage which causes an auditory perception and discrimination problem. When we first identified Lisa's handicap in 1972, there was no mandate to serve handicapped children. Fortunately, we were able to find private clinics and other services to help her until she reached the minimum age for admission to a deaf education program in Ohio. When she was 3 she was enrolled in an oral program for deaf children in my school district. We were elated to find competent people who seemed interested and able to help her.

Unfortunately, a year later we were to learn that this program, the only one in our area available for deaf children, was not appropriate. I noticed some regression, and requested an evaluation. I was told by school officials that I should be grateful for the program and not make waves. Maybe I should have listened—probably should have—but something in my daughter's eyes would not allow me to sit quietly by. The only communication between us was the eye contact.

I requested the evaluation, and upon receiving it, found that they had recommended an institution for her. There she acquired an IQ score of 9. I have since wondered what she did right.

I was later to learn that the verbal test was administered to a 1-year-old child who was nonverbal.

One month after the IQ score of 9 was attained, Lisa was evaluated by a multidisciplinary team who identified her auditory problems and also managed to extract a slightly higher IQ. That score was 120. I knew then that what I had seen in Lisa's eyes was a brightness and willingness to learn and a silent plea, to help the learning be appropriate. We fought. We fought the school district, the State department of education, other parents, teaching professionals. We fought for 3 years, and for 3 years while we fought, Lisa sat in the wrong program.

Finally, in 1976, we won. A new program which utilized individual instruction through total communication was instituted in our school district and Lisa finally began to move forward. Perhaps I should say run forward. The same little girl who tested with the IQ score of 9, who we were told to put in an institution, is attending public school with both deaf and nonhandicapped children. Most of her academic levels are equal to those of her nonhandicapped peers.

Although Public Law 94-142 was not in effect when we were fighting our battle, we have felt much more comfortable since it became fully effective on September 1, 1978. In my own case, I have to say that my school district, Columbus Public/City School District, has made every attempt to fully implement the law. IEP's are always prepared with my husband and myself, and all related service personnel are at the IEP meetings to help answer whatever questions we have. We have always been asked when would be a convenient time for us to attend the IEP conference, and have always had all evaluation data clearly explained.

In addition, we have been asked specific questions about our feelings about Lisa's educational progress, and our suggestions have always been taken seriously and written into the IEP. Lisa's IEP has been prepared with her needed related services in mind, and the extent to which those services will be provided. We have never been asked by the district to pay for or provide on our own any of the services that were indicated in the assessment.

In other words, the process as outlined in Public Law 94-142, at this point in time is working well for our child. I know it can be done.

In my capacity as the co-director of an advocacy network, I have occasion to speak with groups about the implementation of Public Law 94-142 in Ohio. I usually preface my remarks by saying that things are working well for at least one handicapped child in Ohio, my own. However, I have spent the last 3 years working with many families whose children are not even in school, left alone in school and receiving a free appropriate public education.

How do I as a citizen of this country feel when I know of a human being whose needs are not being met? I think a quote from a minister friend of mine says it best: "To be unaware of a need is ignorance, to know of a need and not help is immoral."

I will share with you a few experiences I have had in the past few years. In one school district in Ohio, East Gurnsey Social School District, there are three out-of-school unserved handicapped children. All of these children are new young adults between the ages of 20 and 22. None of these children has spent more than a total of 3 years in an educational program in their entire lives.

In April 1978, one of these cases was brought to the attention of Ohio Special Education Director, Mr. Sam Bonham, Jr., in a meeting which was attended by other persons. The school superintendent in the local school district also contacted Mr. Bonham for assistance in putting together a special program for this young man. Mr. Bonham informed the superintendent that he could always bring due process against the parents or the program for the mentally retarded.

In September 1978, this young man's mother went to the State school board meeting to tell her story and ask for help. Attached to this testimony are copies of correspondence which followed her appearance at that meeting. You will note that there is correspondence from both the Department of Education and the Division of Mental Retardation. You see, Ohio has a dual delivery system, each system with separate standards criteria for admission to programs. This dual system adds to bureaucracy, and in many cases, such as this, prevents people's needs from being met.

Today, this young man, and the other two young people in the district are still not served. The young man's name is Jeffrey Paul Mellott. His mother has asked that I speak for her. Jeffrey will one day soon reach 22. The maximum age allowable for educational services from the State of Ohio. Jeffrey has never received educational services. His family has done everything, including writing to every President of the United States, since Jeffrey was first excluded from school. Jeff's school district continues to receive grant funds under Public Law 94-142. Whatever sporadic programing has been available to Jeff, his parents have paid for. Jeff has no IEP. Does he have a future? What is there about Jeff that excludes him from the law?

In another case, which is also documented in the attachments, an 18-year-old boy has been excluded from programs since November 1, 1978. Again the director of the Division of Special Education has been notified, and nothing has yet been done to change the fact that he is out of school and unserved. This particular boy has been excluded, without due process, and without any written notification, twice since November. The Division of Special Education, the agency responsible for monitoring implementation of Public Law 94-142, has failed to do anything for this boy, and has also failed to even threaten action against the local school district.

In fact, the division seems to feel that only violating placement based on IQ is justification for terminating a district's flowthrough dollars. There has been no move to terminate funding based on a child being out of school and unserved. There is a cliche in Ohio that the division will find any law that gives an opportunity not to serve a child, but will never find a law to help serve one. I am afraid that this is true in too many cases in our State. What conclusions can I make based on my experiences in the past few years?

First, my child is being appropriately served, well within the rules and regulations and intent of Public Law 94-142. I am very comfortable that Public Law 94-142 can be implemented based on my own personal experiences. The IEP process has never seemed cumbersome or confusing, and in fact, I feel very close to all the professionals involved in my daughter's educational program.

However, I am very knowledgeable, and must consider that the professionals with whom I deal know that I am a good resource for information about Public Law 94-142. I feel that my knowledge about the law is in direct relation to how my district is implementing it.

I have found that of the approximate 1,500 parents for whom I have participated in workshops for training in this past year, almost none had been provided information about the law and what the IEP was. Almost all had been handed an IEP that had been developed without their input, and many had no IEP's at all. Some IEP's were handed out at meetings with whole groups of parents present at one time. The parents who attended our workshops hopefully can now ask for IEP conferences to help actually develop the IEP according to Public Law 94-142.

Second, my child's needs are being met without cost to us. All of her educational needs, including speech and language therapy, are paid for by the district. In many cases parents are paying for transportation, speech, evaluations, et cetera. In some cases parents are paying the full cost of educational services. These parents all live in school districts in Ohio that receive Public Law 94-142 grant funds.

However, all their attempts to obtain free and appropriate public education have been unsuccessful. It would seem that these parents could have received some assistance from the Ohio Division of Special Education when they made their children's needs known.

Surely there can be little confusion about the legality of a child being totally unserved. But these families have been told by the director of the division, time and again, that all that could be done was due process. Are parents to believe that the only part of Public Law 94-142 that they can count on using is due process?

The lady who sits beside me has a 17-year-old son whose needs are being met in a program outside Ohio. No one in Ohio has ever disagreed with his needs. The director has failed to implement the agreement under Public Law 94-142, and is allowing this child to go unserved despite repeated meetings with his parents and their attorneys. Free and appropriate public education in Ohio is not yet a matter of State policy.

Third, for my child, least-restrictive environment is not just a hard-to-define term, it is a reality. Lisa is educated with both handicapped children and nonhandicapped children. She has the opportunity to compete socially and academically with all her classmates. Social growth and academic growth are not always mutually exclusive. She is a happy, well-adjusted little girl whose dream is to become a teacher. She has been involved in a program which allows her to use some of her special talents to work with nonhandicapped children, to teach them sign language, and help them understand deafness.

I find it difficult to believe that any of the children in my daughter's program will ever, as adults, have a problem accepting a handicapped person as a neighbor. Those children have learned the lesson of human family living that brings us together and makes our society strong. They know that it is, in fact, the diversity in people that brings us together and creates the individual pieces of the puzzle that combine to make this country. For these children, this time of learning will not merely be academic preparation for the future, but a growth of spirit as well.

For many handicapped children in Ohio the future is not bright. Confined to special schools, built miles from the nearest neighborhood schools, they have no opportunity to learn from, or teach other nonhandicapped children. In Ohio, trainable mentally retarded children, all of them, regardless of individual assessed need, are educated in county programs for the mentally retarded. There is no real individualization on IEP's on the section about contact with nonhandicapped children. The IEP's simply read "none." Many parents in Ohio have fought this segregation, but the due process hearings thus far have found against the parents and in favor of Ohio standards. All of these parents reside in school districts which receive flowthrough funds under Public Law 94-142's grant program. I am amazed when I hear that another due process hearing dealing with FAPE or LRE involving one of these children with mental retardation has been decided against integration with nonhandicapped children. Because Public Law 94-142 came about largely because of the *PARC* case, I expect mentally retarded children to have a foot in the door.

It is not only the mentally retarded child in Ohio who is segregated. There are still special schools filled with all deaf, all blind, or all orthopedically handicapped children. For them there is no least-restrictive environment. I have heard various professionals say that there is no definition of LRE.

I think a conversation I recently had with my daughter about her placement in this school, and not a totally segregated school, says it better. I asked her one day if she would like to go back to her old school, where people are like her. She said: "Mommy, all the kids here are like me, except some can hear. We are friends, and I do not care if they are not deaf. Do you?" In her own way, I think Lisa knows what least-restrictive environment is. You do not give a crutch to a child when all he needs is a helping hand.

Thank you.

Senator **Stafford** [presiding]. Thank you very much.

Now we would be pleased to hear from Mrs. Margaret Burley from Prospect, Ohio.

Mrs. **Burley**. Senator Stafford, members of the committee, I appreciate the opportunity to address the subcommittee today and to attempt to relate my experiences in such a way as to provide helpful direction in the implementation of Public Law 94-142, the Education for All Handicapped Children Act of 1975. I believe this law set out the premise for the first time that, under law, parents of handicapped children must be granted full partnership in the educational decisionmaking for their children.

In my opinion, this partnership will ultimately decide the degree of success of the implementation of Public Law 94-142. The regulations are very explicit about the concept of a team approach to the evaluation and educational program planning for handicapped children. And finally parents must be considered and admitted as a full partner on that team. For years, decisions regarding the lives of our children were made by school officials and handed down like edicts, with parents having no concept of appeal or change. Public Law 94-142 has mandated a change in this approach to the education of handicapped children. No longer can a single score or test relegate a child to a life of warehousing on the back ward of an institution.

In fact, large segregated institutions should no longer be considered an option in the continuum of alternatives as an appropriate educational placement. Unfortunately, in many areas of the country, all of the concepts and mandates of Public Law 94-142 have not yet been met. The case of my own son, Tom, is a perfect example of the many barriers to implementation that still exist. Tom is 17 years old, and was born blind, multihandicapped, with severe auditory perception impairments and language disorders. At the present time, he has not been in a public school program since February 2, 1979.

You may wonder why this could happen, since we have mandates that every handicapped child between the ages of 5 and 21 must be provided a free, appropriate public education in Ohio. I began looking for an educational program for my son when he was 2½ years old, and I no longer felt able to meet his educational needs alone. When I inquired of the county board of education for help, I was sent a form letter saying that he could go to school when he was 6 years old, where all blind children went, Ohio State School for the Blind. At that time, in 1965, no one came to see Tom, or to see what his unique needs were. We were a name on a form who had to fit into a slot for blind children. I knew nothing of educational laws or programs, and had never heard of early intervention programs.

It did not occur to me to question the county board's wisdom, since they were the seat of authority when I was in school, and I had been taught to respect authority. Tom continued to grow up in spite of my ignorance, and finally, when he was 5½, I registered him for kindergarten and public school, the same as I had done for my other three children. I assumed he would receive the same benefits of my tax dollars as my three older children, but I was wrong.

After attending the regular class for 3 weeks and doing well, according to the teacher, I received a telephone call from the principal telling me that Tom could not return to school on Monday. Again I did not know that I had a right to challenge that edict. I never realized that my son's civil rights were being denied.

It was 1967, and he was getting older, and no one was helping him, that was all I knew. I went through months of emotional turmoil, and so did my son. Finally, I accepted that he would have to go away to school, and went to the Ohio State School for the Blind, where he was given a test. I later found out that it was an Interim-Hayes Binet IQ test which was inappropriate since he was a nonverbal child.

At any rate, he did not receive a score of at least 50, so he was not accepted into school there, either. At that time, in Ohio, children who scored less than 50 IQ were excluded from school, and so, my son was excluded. My son and I were once again rejected, and I still did not realize that I had the right to challenge these decisions that were being made about my son. There were no procedures to insure due process. No one told me to get an attorney and to defend my child's rights to an education. I still did not realize that society had made a judgment as to the worth of my child and found him not worthy of expending public funds to provide for his special needs. He did not conveniently fit into any prescribed slots, and so therefore, no one wanted to be bothered. Tom withdrew from the world, and I do not blame him.

Tom and I sat at home for a year, waiting for someone from the State Department of Education to come and talk to us about what to do next. No one came. I later was to learn that his files had been misplaced and Tom Burley stayed lost in the paperwork for 4 years. No one worried about his education except me, and finally in 1972, I wrote to the President of the United States demanding that my child be provided an appropriate education at public expense. He was then currently enrolled in a private school in Pennsylvania, 500 miles away from home.

I had made the appropriate placement myself by going to the public library and reading the directory of schools for exceptional children, making phone calls, and putting Tom's name on waiting lists, until finally a school had accepted him over the phone. We were not a wealthy family; in fact, at the time we were tenant farmers, and had never earned more than $9,000 a year. I made the rounds of agencies, both public and private, trying to come up with $5,000 a year I needed for Tom's tuition and transportation. The list of contacts I made during this time fills 11 legal pages. No family should be subjected to this kind of treatment.

I was made to feel like a beggar, and I had to be grateful for any crumbs I could get. Tom's second year in the private school only lasted 3 months. I had used all our savings, and the Ohio Department of Education would not allow the local school district to pay the tuition because it was a private school, out of State, and Tom's IQ was below 50.

I had heard that some of our neighbor States were providing programs for multihandicapped children, and I contacted a cousin who lived in Michigan. My husband and I had to go to court and give up custody of our son in order that my cousin could get him into a school in Michigan, which was providing for blind multihandicapped in a regular school setting.

However, Michigan thought that Ohio should take care of its own problems, and Tom was not allowed to begin the program. Once again, Tom was out of school. By this time, I had heard about the PARC case, and thought that what was true in that instance must also be true in my case.

While in Michigan, I had heard of a new program at Ohio State School for the Blind for deaf/blind children, and so I contacted the project director at the Ohio Department of Education. I demanded to have Tom evaluated for the program which I found was a federally funded project. He was placed on a waiting list which made me furious. Every time an administrator tells me that Public Law 94-142 came too soon, I think of my son and all the others before him, and I know that, if anything, it came too late. We have had years of waiting, waiting for there to be enough concern on the parts of legislators, administrators, educators to want to provide for these children what has been their right all along.

In February 1974, Tom was finally admitted to the deaf-blind program, and I was sure my battles were over. He was 12 years old. The sad part was that he was no longer the happy, trusting little boy who liked everyone on the first day of kindergarten. He was withdrawn, self-abusive, uncooperative, and I could not blame him at all.

It was fortunate for us that Congress was listening to the cries of its constituents, and began to enact Federal legislation to guarantee our children's rights. In 1975, I was once again told to find another program for my son because there was not enough money for all the children, and Tom was more severely handicapped, therefore he should leave.

For the first time, I had a Federal law to back me up, and I stood my ground. I refused to remove Tom, and I appealed to the commissioner of the bureau of education for the handicapped, since the program was federally funded. He intervened and the school had to keep Tom, since they could find no other program which was more appropriate.

It is of the utmost importance that the bureau be a strong arm of enforcement if we are to continue to enforce Public Law 94-142 so that all children, regardless of the severity of their handicaps, are accorded their true rights. It seems that many States only take the law seriously when their Federal funds are threatened.

A case in point, Ohio only changed its education law which excluded children with an IQ below 50 when the part B Federal dollars were withheld in 1976. Unfortunately, governments do not always make changes just because it is right, sometimes it also has to be because of loss of funds.

When I attended my first IEP conference for Tom, I was very disappointed. I found that the school thought this was only some paperwork and had nothing to do with the educational services to be provided to my child. I was fortunate for I had been given the opportunity to attend several conferences sponsored by the Federal Government for parents to learn about the new law—Midwest Regional Center for Services to Deaf/Blind Children. Many other parents have not had this chance, and so do not know what should be happening.

At the first meeting, the principal wanted me to sign a form which had already been typed. I enclose this in my documentation. I could not sign this since only those services which were currently available were listed. At a future meeting, I asked several specialists to attend so that real needs and services could be addressed. This was seen as threatening by the administration. I only wanted to help get the best services for my son, and was looking for free community agencies which could supplement the school program, such as university training programs, volunteers, and others. I finally had to ask the local school district for an administrative review of my son's IEP, and this seemed to help get a better plan written. The due process procedures are an essential part of Public Law 94-142, and must be maintained as they assure parents and child rights.

Some administrators complain that writing IEP's is too time consuming, and of little value. I cannot agree with this premise, it has been my experience that good educators have always written individual plans, and that it is best educational practice. In the past, schools always had staffings on students so very little additional time is required. I believe the real issue is the fear of school officials of involving parents in the decisionmaking. Parents spend more time with the children, and have very important information to add in these planning sessions. The IEP is the heart of the law, and it must be kept intact if the law is to have a real impact and to bring about some change. My school district is reluctant to develop an IEP, until after the placement decision is made, for they still think that only those services available should be written in the plan.

On January 31, 1979, I again received a telephone call from Tom's school, asking that I come to a meeting. I have enclosed a transcript of that meeting. It was hard for me to believe what I was hearing. Once again I was being asked to remove my son from a school program. The school superintendent was lecturing me because I had not found another program for my son. Finally he made the statement that he did not have a straitjacket nor the staff to use it on my son. I wanted the world to stop, it seemed like this was where I had come in. Fortunately, this time I had the guarantees of Public Law 94-142 on my side.

Even though the administrator did not seem to know the proper procedures, since he did not contact the local school district to let them know of the problem, because I was familiar with the due process by now, I requested an administrative review of Tom's educational placement by my local superintendent. He wanted to find the appropriate program for Tom, and asked for a new assessment to help guide him in the selection.

After reviewing the findings of the assessment team, he felt that there were no programs available in Ohio at the present time, and requested the Department of Education to develop these and to permit him to make a placement at Perkins School for the Blind in Massachusetts, as indicated by the assessment. The Ohio Department of Education has an administrative policy that no educational dollars may be paid to a private school, and that no dollars can be paid out of State. If my district makes this placement they will be subject to an audit finding according to the Ohio Department of Education.

At the present time there is no IEP in place for Tom, since my district does not want to develop it until they know what school he will go to. I have already been advised by Dr. Bowers, of the Ohio Department of Education, that an impartial hearing officer will be advised to find on Ohio law and standards, not Public Law 94-142. My only recourse seems to go to the Federal courts.

Without Public Law 94-142, my son would not be at Perkins, where today he is receiving an appropriate education, even though it is not yet settled who will pay for it.

Without the Federal law, I would have long since quit fighting and given up. I believe that the implementation of this law in large part, will come about when more parents are trained about their rights, as I was through Federal projects and parent advocacy groups.

I believe that this old adage applies today to parents of handicapped children:

> Blessed is the man who thinks and talks with facts. He is needed in the world today, where more money is spent by doing things wrong than by not doing them at all. To the man with facts life offers greater resources, greater responsibilities and more satisfactory achievements than at any period in history.

Thank you for your interest. I would be glad to answer any questions.

Senator **Stafford**. Thank you very much, both Mrs. Mawhorter and Mrs. Burley, for your excellent testimony, which will be very helpful to this committee.

And those who are not here, because all of our committees are meeting, and most of us are trying to be three different places this morning, all of your testimony will be read by the members of the subcommittee before the report will be made to the full committee. I am grateful to you.

There will be some questions, but in the interest of time, and knowing we may run into rollcall votes at any minute, I will see that the questions generally are submitted to you in writing.

I am advised there may be other witnesses here from Ohio. Is that correct?

Mrs. **Mawhorter**. Yes, sir.

Senator **Stafford**. In the interest of time, and constraints that are facing us, I am going to ask the additional witnesses, since they were not expected, if they would submit any statements they have in writing, and we will make them a part of the hearing record. Would that be agreeable?

Mrs. **Burley**. Thank you. We have their statements, and we will submit them with our testimony, if that is permissible.

Sentor **Stafford**. That is all right.

Mrs. **Mawhorter**. Thank you.

Senator **Stafford**. Would the additional witnesses care to stand and state their names and addresses?

Mrs. **Dale**. Lynola Dale, 221 Moore Avenue, Bellvue, Ohio.

Mrs. **Bruns**. Judith Bruns, SR13, Huron, Ohio.

Senator **Stafford**. Thank you very much for being here and for helping this committee.

[The prepared statements of Mrs. Mawhorter, Mrs. Burley, Mrs. Bruns, and material submitted for the record follows:]

TESTIMONY
UNITED STATES SENATE SUB COMMITTEE
ON HANDICAPPED CHILDREN (P.L.94-142)
July 19,1979
Presented By

SONYA L. MAWHORTER
1200 Brookwood Place
Columbus,Ohio 43209
(614) 236-8705

Thank you for the opportunity to be with you today to share some of my experiences as a parent of a child with a handicap. First, let me begin by saying that P.L. 94-142 is a good and reasonable law, and one which will ultimately impact on all phases of life in this country. For years , generations of handicapped children grew up without proper educational skills and became handicapped adults whose only resources for survival were welfare of state institutions.In most cases this outcome of human endeavor was a waste to the individuals and to society. People who have handicaps are people first, handicapped second. I feel that P.L. 94-142 speaks first to the similarities in people and then to their differences. All of us whether or not we are handicapped are aware that equal does not mean same, and that no person should be in such complete control of another person's life, as to religate that life to a sub-standard existence.P.L. 94-142 is one of the most outspoken and articulate documentations of Americas' true committment to Human Rights and must not be diluted.

As I have said, I am a parent with a child whose handicap is deafness complicated by minimal brain damage which causes an auditory perception and discrimination problem.. When we first identified Lisa's handicap in 1972, there was no mandate to serve handicapped children. Fortunately, we were able to find private clinics and other services to help her until she reached the minimum age for admission to a Deaf Education program. When she was three she was enrolled in an Oral program for deaf children in my school district. We were elated to find competent people who seemed interested an able to halp her. Unfortunately, a year later we were to learn that this program, the only one in our area available for Deaf Children, was not appropriate. I noticed some regression, and requested an evaluation. I was told by school officials that I should be grateful for the program and not make waves. Maybe I should have listened, but something in my daughter's eyes would not allow me to sit quietly by. I finally received a copy of their evaluation and found that they had recommended an institution for her. There acquired I.Q. score-9. I was later to learn that a verbal test was administered to her. One month after the I.Q. score of nine was attained, Lisa was evaluated by a multi-disciplinary team who identified her auditory problems and also managed to extract a slightly higher I.Q. That score was 120. I knew then that what I had seen in Lisa's eyes was a brightness and willingness to learn and a silent plea, to help the learning be appropriate. We fought. We fought the school district, the State Department of Education, other parents, teaching professionals. We fought for three years, and for three years while we fought, Lisa sat in the wrong program. Finally in 1976, we won. A new program which utilized individualized instruction through Total Communication was instituted in our school district and Lisa finally began to move forward. Perhaps I should say run forward. The same little girl who tested with the I.Q. score of nine, who we were told to put in an institution, is attending public school with both deaf and non-handicapped children. Most of her academic levels are equal to those of her non-handicapped peers.

Although P.L. 94-142 was not in effect when we were fighting our battle, we have felt much more comfortable since it became fully effective on September 1, 1978.

In my own case, I have to say that my school district, Columbus Public/City School District, has made every attempt to fully implement the law. I.E.P.'s are always prepared with my husband and myself, and all related service personel are at the I.E.P. meetings to help answer whatever questions we have. We have always been asked when would be a convenient time for us to attend the I.E.P. conference and have always had all evaluation data clearly explained. In addition, we have been asked specific questions about our feelings about Lisa's educational progress and our suggestions have always been taken seriously and written in to eh I.E.P. Lisa's I.E.P. has been prepared with her needed ralted services in mind, and the extent to which those services will be provided. We have never been asked by the district to pay for or provide on our own any of the services that were indicated in the assessment. In other words, the process as outlined in P.L. 94-142, at this point in time is working well for our child.

In my capacity as the co-director of an advocacy network, I have occasion to speak with groups about the implementation of P.L. 94-142 in Ohio. I usually preface my remarks by saying that things are working well for at least one handicapped child in Ohio, my daughter. However, I have spent the last three years working with many families whose children are not even in a school, left alone in school and receiving a F.A.P.E. How do I as a citizen of this country feel when I know of a human being whose needs are not being met? I think a quote from a minister friend of mine says it best. "To be unaware of a need is ignorance, to know of a need and not help is immoral." I will share with you new a few experiences I have had in the past few years. In one school district in Ohio, East Gurnsey Local School District, there are three out of school unserved handicapped children. All of these children are new young adults between the ages of 20 and 22. None of these children has spent more than a total of three years in an educational program. In April of 1978, one of these cases was brought to the attention of Ohio Special Education Director, Mr. Sam Bonham, in a meeting which was attended by other persons. The school superintendent in the local school district also contacted Mr. Bonham for assistance in putting together a special program for this young man. Mr. Bonham informed the superintendent that he could always sue the county program for the mentally retarded.

In September of 1978, this young man's mother went to the state school board meeting to tell her story and ask for help. Attached to this testimony, are copies of correspondance which followed her appearance at that meeting. You will note that there is correspondence from both the Department of Education and the Division of Mental Retardation. You see Ohio has a dual delivery system, each system with separate standards, criteria for admission to programs. This dual system adds to bureacracy and in many cases such as this prevents people's needs from being met. Today, this young man and the other two young people in the district, are still not served. The young man's name is Jeffrey Paul Mellott. His mother has asked that I speak for her. Jeffrey will one day soon reach 22. The maximum age allowable for educational services from the state of Ohio. Jeffrey has never received educational services. His family has done everything including writing to every president since Jeffrey was first excluded from school. Jeff' school district continues to receive grant funds under P.L. 94-142. Whatever sporadic programing has been available to Jeff, his parents have paid for. Jeff has no I.E.P. Does he have a future? What is there about Jeff that excludes his from the law?

In another case which is also documented in the attachments, an 18 yr. old boy has been excluded from programs since Nov. 2, 1978. Again the Director of the Division of Special Education has been notified and nothing has yet been done to change the fact that he is out of school and unserved. This particular boy has been excluded without Due Process and without any written notification twice since November. The Division of Special Education, the agency responsible for monitoring implementation of P.L.94-142, has failed to do anything for this boy and has also failed to even threaten action against the local school district. In fact the Division seems to feel that only violating placement based on I.Q. is justification for terminating a districts flow thru dollars. There has been no move to terminate based on a child being out of school and unserved. There is a cliche in Ohio that the Division will find any law that gives an opportunity not to serve a child but will never find a law to help serve one. I am afraid that this is true in too many cases.

What conclusions can I make based on my experiences in the past few years?

First, my child is being appropiately served, well within the rules and regulations and intent of P.L. 94-142. I am very comfortable that P.L. 94-142 can be implemented based on my own personal experience. The I.E.P. process has never seemed cumbersum or confusing and in fact I feel very close to all the professionals involved in my daughter's educational program. However, I am a very knowledgeable and must consider that the professionals with whom I deal know that I am a good resourse for information about P.L. 94-142. I feel that my knowledge about the law is in direct relation to how my district is implementing it. I have found that of the approximate 1500 parents for whom I have participated in workshops for training in this past year, almost none had been provided information about the law and what the I.E.P. was. Almost all had been handed an I.E.P. that had been developed without their input, and many had no I.E.P.'s at all. Some I.E.P.'s were handed out at meetings with whole groups of parents present at one time. The parents who attended our workshops hopefully can now ask for I.E.P. conferences to help actually develope the I.E.P. according to P.L.94-142.

Second, my child's needs are being met without cost to us. All of her educational needs including speech and language therapy are paid for by the district. In many cases, parents are paying for transportation, speech, evaluations, etc. In some cases parents are paying the full cost of education. These parents all live in school districts in Ohio that receive P.L. 94-142 grant funds. However all there attempts to obtain Free and Appropriate Public Education have been unsucessful. It would seem that these parents could have received some assistance from the Ohio Division of Special Education when they made there children's needs known. Surely there can be little confusion about the legality of a child being totally unserved. But these families have been told by the Director of the Division, time and again, that all that could be done was DUE PROCESS. Are parents to beleive that the only part of P.L.94-142 that they can count on using is DUE PROCESS? The lady who sits beside me has a 17 year old son who needs are being met in a program outside Ohio. No one in Ohio has ever disagreed with his needs. The Director has failed to implement the agreement under P.L.94-142 and is allowing this child to go unserved despite repeated meetings with his parents and their attorneys. Free and appropriate Public Education in Ohio is not yet a matter of State Policy.

Third, for my child, least restrictive environment is not just a hard to define term. It is a reality. Lisa is educated with both handicapped children and non-handicapped children. She has the opportunity to compete socially and academically with all her classmates. She is a happy, well adjusted little girl whose dream is to become a teacher. She has been involved in a program which allows her to use some of her special talents to work with non-handicapped children to teach them sign language and help them understand deafness. I find it difficult to beleive that any of the children in my daughter's school will ever, as adults, have a problem accepting a handicapped person as a neighbor. Those children have learned the lesson of human family living that brings us together and makes our society strong. They know that it is the diversity in people that brings us together and creates the individual pieces of the puzzle that combine to make this United States. For these children, this time of learning will not merely be academice preparation for the future, but a growth of spirit as well.

For many thousands of handicapped children in Ohio the future is not bright. Confined to special schools, built miles from the nearest neighborhood schools, they have no opportunity to learn from or teach other non-handicapped children. In Ohio, trainable mentally retarded children, all of them , regardless of individual assessed need, are educated in county programs for the mentally retarded. There is no real individualization on I.E.P.'s on the section about contact with non-handicapped children. The I.E.P.'s simply read " NONE". Many parents in Ohio have fought this segregation but the Due Process hearings thus far have found against the parents and in favor of Ohio Standards. All of these parents reside in school district which receive flow thru funds under P.L. 94-142's grant program. I am always amazed when I hear that another Due Process hearing dealing with F.A.P.E. or L.R.E. invovling one of these children with mental retardation, has been decided against integration with non-handicapped children. Because P.L. 94-142 came about largely because of the PARC case, I expect mentally retarded children to be given every opportunity spelled out in the law.

It is not only the mentally retarded child in Ohio who is segrated. There are still special schools filled with all deaf, all blind, or all orthepedically handicapped children.

For them there is no Least Restrictive Environment. I have heard various professionals say that there is not definition of L.R.E. I think my daughters statement to me once when I asked her if she prefered her current school or the school she was in before , where all the children were " like you, deaf". She said "Mommy, all the kids here are like me, except some can hear. We are Friends and I don't care if there not deaf. Do you?" In her own way, I think Lisa knows what Least Restrictive Environment is. You don't give a crutch to a child when all he needs is a helping hand.

Thank you.

To: Subcommittee for 94-142 Revision

From: Robin Bowe Schaffer
former teacher of handicapped children
Coordinator of services for low-incidence handicapped children
member of educational diagnostic team for handicapped children

Re: Suggestions for Implementation of 94-142 in Rural Ohio:

1. Exchange of services with and utilization of programs in bordering state communities would greatly enhance the ability of rural communities to provide services, especially for low-incidence handicaps.

2. Decentralization of special Education Center services might allow more direct service to local school districts. more broadly trained personnel could serve on the county or multi-district level and maintain contact with state or regional specialists. Services especially needed by local districts include teacher training and supervision, diagnostic services for children, and consultative services for districts regarding placement, programming, etc.

3. utilization of area universities in providing specialized services to local school districts in areas such as teacher in-services, diagnosis, etc.

4. Clear guidelines from the state regarding curriculum and programming for low-incidence classes and individual tutoring programs.

5. special provisions for long-distance transportation including additional funding, suggestions for effective systems, etc.

6. Coordination of efforts with other rural areas including regular administrative and teaching staff meetings to exchange ideas, etc.

7. more adequate monitoring of local school districts' compliance with 94-142.

STATE OF OHIO
DEPARTMENT OF EDUCATION
COLUMBUS
43215

FRANKLIN B. WALTER
SUPERINTENDENT OF
PUBLIC INSTRUCTION

S. J. BONHAM, Jr
DIVISION OF SPECIAL EDUCATION
[illegible]

January 10, 1979

Mrs. Delores Mellott
Box 75
Fairview, Ohio 43736

Dear Mrs. Mellott:

It is my understanding that Mr. Ronald Boley, Assistant Commissioner, Division of Mental Health and Mental Retardation, has forwarded copies of the concerns you expressed before the State Board of Education on September 11, 1978 to Mr. Charles Wolfe, the newly appointed Superintendent of the Guernsey County Mental Retardation Program.

It is our hope that the issues you raised before the State Board of Education will be satisfactorily resolved, and that this office can consider the case closed as far as it is concerned. If this is not your understanding, or if this office can be of assistance, please feel free to contact Mr. F. P. Gross, Assistant Director, Procedural Safeguards and Pupil Services, or myself at your convenience.

Sincerely,

S. J. Bonham, Jr., Director
Division of Special Education

SJB/pb

cc: Ronald Boley
Charles Wolfe

**Ohio Department of Mental Health**
**and Mental Retardation**
**James A. Rhodes, Governor**
**Timothy B. Moritz, M.D., Director**

**Division of Mental Retardation and Developmental**
**Disabilities, Levester Cannon, Ed.D., Commissioner**
**Office of Program Services**
**Ron Boley, Assistant Commissioner**
State Office Tower/30 E. Broad Street/Room 1256
Columbus, Ohio 43215/(614) 466-7087

December 29, 1978

Mrs. Delores Mellott
Box 75
Fairview, Ohio 43736

Dear Mrs. Mellott:

Mr. Samuel J. Bonham, Director of the Division of Special Education, sent me a copy of your testimony before the State Board of Education in September. I am forwarding a copy of this document to the new superintendent of the Guernsey County Mental Retardation Program.

I appreciate learning of your concerns. I trust that many of the issues that have disturbed you will be resolved under Mr. Wolf's direction.

Thank you for your interest.

Sincerely,

Ronald C. Boley

Ronald C. Boley
Assistant Commissioner
Office of Program Services

RCB/SKG

cc: Samuel J. Bonham
Charles Wolf
Richard Carter

[illegible] District, Ohio
[illegible] Longworth House Office Building
Washington, D.C. [illegible]
[illegible]

District Offices
[illegible]
St. Clairsville [illegible]
New Philadelphia [illegible]
East Liverpool [illegible]

COMMITTEES
PUBLIC WORKS AND TRANSPORTATION
VETERANS' AFFAIRS
DISTRICT OF COLUMBIA

DOUGLAS APPLEGATE
CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES

November 17, 1978

Mrs. Dolores Mellott
Box 75
Fairview, OH 43736

Dear Mrs. Mellott:

I have received an answer from Glen Yoder, District Manager of District 9, Division of Mental Retardation and Developmental Disabilities for the Ohio Department of Mental Health and Mental Retardation.

Mr. Yoder states in his letter that Guernsey County has had numerous problems in the 169 Board Program, and that they have been very slow in developing adequate programs. He further stated that the superintendent has submitted her resignation and that he believes that the program will now improve as a result of the new facilities and new leadership.

Mr. Yoder concluded his letter to me by stating that District 9 is quite concerned for your son, Jeff. He further stated that they will continue to work for the improvement of the 169 program in Guernsey County and that they will continue to help you in every possible way.

I sincerely hope that the changes they are making will help to make improvements in their program and that you will be satisfied with the care Jeff receives.

It was my pleasure to check into this matter for you. If you feel that I can be of any further assistance on this or any other matter, please do not hesitate to contact me.

With best regards, I remain

Yours truly,

Doug Applegate

DOUGLAS APPLEGATE
U. S. CONGRESSMAN

DA:pm

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STATE OF OHIO
DEPARTMENT OF EDUCATION
COLUMBUS
43215

6 October 1978

FRANKLIN B. WALTER
SUPERINTENDENT OF
PUBLIC INSTRUCTION

S. J. BONHAM, Jr
DIVISION OF SPECIAL EDUCATION
[illegible]
[illegible]
[illegible]

Ronald Boley,
Assistant Commissioner
Division of Mental Health and
Mental Retardation, Room 1236
State Office Tower
Columbus, Ohio 43215

Dear Mr. Boley:

Enclosed with this letter you will find a copy of a Child-Management Data Sheet for Jeffrey Mellott. The parent presented testimony before the State Board of Education at its meeting on September 11, 1978, and the information contained on the sheet was verified as the concerns expressed by telephone by the Ohio Department of Education.

As you know, under State and Federal legislation we are obligated to pursue such complaints. It would be extremely helpful if you could provide us with an appropriate written response either indicating that corrective action has been taken or provide documentation that the complaint was inappropriate.

It is our expectation that you or a member of your staff will prepare such a response no later than November 6, 1978. We appreciate your continued cooperation in the development of programs for handicapped children and hope that the concerns outlined on the attached Child-Management Data Sheet can be satisfactorily resolved.

Sincerely,

S. J. Bonham, Jr., Director
Division of Special Education

SJB/cjm

Enc.

STATE OF OHIO
DEPARTMENT OF EDUCATION
COLUMBUS
43215

FRANKLIN B. WALTER
SUPERINTENDENT OF
PUBLIC INSTRUCTION

S. J. BONHAM, Jr.
DIVISION OF SPECIAL EDUCATION
933 High Street
Worthington, Ohio 43085
466-2650

6 October 1978

Mrs. Dolores Mellott
Box 75
Fairview, Ohio 43736

Dear Mrs. Mellott:

Enclosed please find a carbon copy of a letter sent to Mr. Ronald Boley, Assistant Commissioner, Division of Mental Health and Mental Retardation, relative to the concerns relating to the education of your child. This is in response to your testimony on September 11 before the State Board of Education, and a subsequent follow-up telephone call by a member of my staff.

We are hoping that the written response will alleviate any concerns you may have expressed about the education of your child. A copy of the response will be forwarded to you.

If you have any questions, or if this office could be of further assistance in this case, please feel free to contact Mr. F. P. Gross, Assistant Director, Procedural Safeguards and Pupil Services, or me at your convenience.

Sincerely,

S. J. Bonham, Jr., Director
Division of Special Education

SJB/fjm

Enc.

cc: Ronald Boley

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
OFFICE OF THE SECRETARY
WASHINGTON D.C. 20201

July 26, 1978

Mrs. Paul Mellott, Jr.
Box 75
Fairview, Ohio 43736

Dear Mrs. Mellott:

Your letter to President Carter has been forwarded to the Office for Handicapped Individuals, as I mentioned during our phone conversation of July 20.

We are happy to learn that Jeff has been accepted at the Villa Saint Maria home in Cincinnati, and are hopeful that he will soon be placed in a vocational rehabilitation program. Mrs. Sonia Mawhorter of the Statewide Parent Information Network, with whom we spoke on the phone, said that she will contact us if there is any problem in admitting Jeff to a BVR-administered program. If Jeff is not accepted, we will help you determine what action can be taken to insure that Jeff's rights as a handicapped individual are protected.

Best wishes for your son's future.

Sincerely,

Richard K. Johnson

Richard K. Johnson, Ed.D.
Acting Director
Office for Handicapped Individuals

STATE OF OHIO
DEPARTMENT OF EDUCATION
COLUMBUS
43215

FRANKLIN B. WALTER
SUPERINTENDENT OF
PUBLIC INSTRUCTION

S. J. BONHAM, Jr
DIVISION OF SPECIAL EDUCATION
933 High Street
Worthington, Ohio 43085
466-7650

September 19, 1977

Mrs. Dolores Mellott
Box 75
Fairview, Ohio 43736

Dear Mrs. Mellott:

This will confirm our telephone conversation Thursday, September 15, 1977 concerning your son Jeffrey. As you know Ruth Sullivan of the National Society for Autistic Children contacted our office to tell us about your son and the need to find an appropriate program for his individual needs.

We discussed the fact that the Northwest Ohio Developmental Center was suggested as a possible placement. I have contacted the center, but I'm sorry to say that they only accept referrals from within their district (4).

Since you live in the East Guernsey Local School District, I am going to recommend that you contact Mr. Walter Schrof, Superintendent to help you in finding an appropriate placement. His address is Rt. 1, Lore City, Ohio 43755 (614-489-5041). 489-5041

You may also wish to contact Mr. Drew Hanson, Guidance Counselor, Buckeye Trail High School. He will probably be the contact person in the process for any changes of placement.

You may also wish to contact Mr. Robert Talarico, Director, East Central Ohio Special Education Region Resource Center, Tuscarawas 1-800-362-6659 County Board of Education, 261 West High Avenue, New Philadelphia, Ohio 44553. He may be able to help you find an appropriate program within your region which I am not aware of.

With the help of these gentlemen I am sure you will be able to find the most appropriate program available for your son. I will continue to check with people I know in other regions to see if something else is available.

Please feel free to call me if you need additional assistance.

Sincerely,

Jack Brownley

Jack Brownley
Educational Consultant
Multiple and Severely
Handicapped

cc: Mr. R. Talarico
Mr. W. Schrof

Dolores Mellott

Since President Carter is such a strong advocate for "human rights", and when Mrs. Carter proclaimed the great need for better living conditions and education for the mentally handicapped, I thought this was the most terrific news. At last, we had someone that was going to stand up for suppressed human beings rights. I know this made a lot of parents and concerned citizens very happy, who are totally aware of our system's severe inadequacies.

I am the parent of a 20-year old retarded and or (or multiple-handicapped) autistic son named Jeff, whose needs have literally been ignored over the years by the State of Ohio.

Jeff was a beautiful little boy, whose development was normal except for speech and communications.

He was happy and had enthusiasm for life, and cried when he couldn't go to school. He was not allowed to attend Public School because of his speech handicap. At age 4, Jeff did attend a 169 Program for awhile, but his speech handicap intervened and he was removed from the program. After that he would sometimes lay and cry like his world had come to an end. We didn't realize at that time, the awesome fact was that we would be spending the next fifteen years making houndous rounds to Doctors for testing and to Agency after Agency, all the proper channels and procedures to serve us nowhere.

(or regressive reason for a test)
regression because was taken

Meanwhile, ~~In the meantime~~ Jeff withdrew and regressed from life and lives in a very empty world except

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for riding his bicycle like an expert which he enjoys tremendously. He sometimes laughs with his family, but that awful lonesome look in his eyes because of not being allowed to participate in the world with his peers is tragic. This is sad reality for many in our country.

In the last year The last two years SPIN (State-wide Parent Information Network) and Elem Sec (Title I Program to assist Public Schools) managed to place Jeff in a Rehabilitation Program at the University of Cincinnati. It would have been successful, had the different agencies involved ~~had~~ co-ordinated their specific efforts and talents for developing programs.

Since April ~~Now~~, Jeff is back home with nothing to do. When he was just starting to accomplish some things successfully, the help he needed was taken away. He is definitely upset. A Residential Group Home Director is providing tutoring service for Jeff. It is not his responsibility, but believe me, I am very grateful for his concern and support for Jeff. *Meanwhile, we keep waiting for all the responsible people to get their act together to provide training for Jeff.

There are many nice little stories I could tell you of Jeff's capabilities. I realize he will never be perfect like the rest of us. But I could tell you a whole lot of horror stories about us perfect people and their lack of concern for Jeff. My family is terribly weary, but we won't give up, because there are too many Jeff's in this world who need your help ~~now~~ right now.

Sorry it and stressed. Post offices in a hurry

Would you mind having this typed for Senate Sub-Committee. If too condensed, could send original for some notes

Testimony to the Subcommittee on the Handicapped; United States Senate
Committee on Labor and Human Resources
Harrison A. Williams, Jr. , Chairman
Jennings Randolph, Chairman , Subcommittee on the Handicapped
Claiborne Pell
Edward M. Kennedy
Gaylord Nelson
Thomas F. Eagleton
Alan Cranston
Donald W. Riegle, Jr.
Howard M. Metzenbaum
Richard S. Schweiker
Jacob K. Javits
Robert T. Stafford
Orrin G. Hatch
William L. Armstrong
Gordon J. Humphrey

Received
Date 8-11-79
Subcommittee on
The Handicapped

Presented by Margaret Burley, 3505 Larue-Prospect Road S., Prospect, Ohio 43342
July 19, 1979 Parent of a Deaf/Blind Multi-Handicapped Child 614-528-2563 (H)
614-228-6689 (O)

Chairman Randolph and members of the committee;

I appreciate the opportunity to address the Subcommittee today and to attempt to relate my experiences in such a way as to provide helpful direction in the implementation of P.L. 94-142, The Education for All Handicapped Children Act of 1975. I believe this law set out the premise for the first time that, under law, parents of handicapped children must be granted full partnership in the educational decision-making for their children. In my opinion, this partnership will ultimately decide the degree of success of the implementation of P.L. 94-142. The regulations are very explicit about the concept of a team approach to the evaluation and educational program planning for handicapped children and finally parents must be considered and admitted as a full partner on that team. For years, decisions regarding the lives of our children were made by school officials and handed down like edicts with parents having no concept of appeal or change. P.L. 94-142 has mandated a change in this approach to the education of handicapped children. No longer can a single score or test relegate a child to a life of warehousing on the back ward of an institution.

In fact, large segregated institutions should no longer be considered an option in the continuum of alternatives as an appropriate educational placement. Unfortunately in many areas of the country, all of the concepts and mandates of P.L. 94-142 have not yet been met. The case of my own son, Tom is a perfect example of the many barriers to implementation that still exist. Tom is (17) seventeen years old and was born blind, multi-handicapped with severe auditory perception impairments and language disorders. At the present time, he has not been in a public school program since February 2, 1979.

You may wonder why this could happen, since we have mandates that every handicapped child between the ages of 5-21 must be provided a free, appropriate public education in Ohio. I began looking for an educational program for my son when he was two and a half years old and I no longer felt able to meet his educational needs alone. When I inquired of the County Board of Education for help, I was sent a form letter saying that he could go to school when he was six years old where all blind children went, Ohio State School for the Blind. At that time 1965, no one came to see Tom or to see what his unique needs were. He was a name on a form who had to fit into a slot for Blind children. I knew nothing of educational laws or programs and had never heard of early intervention programs. It did not occur to me to question the County Board's wisdom since they were the seat of authority when I was in school and I had been taught to respect authority.

Tom continued to grow up in spite of my ignorance and finally when he was five and a half I registered him for kindergarten the same as I had done for my other three children. I assumed he would receive the same benefits of my tax dollars as my three older children, but I was wrong. After attending the regular class for three weeks and doing well, according to the teacher, I received a telephone call from the principal telling me that Tom could not return to school on Monday. Again I did not know that I had a right to challenge that edict. I never realized that my son's civil rights were being denied. It was 1967 and he was getting older and no one was helping him, that was all I knew. I went through months of emotional turmoil and so did my son. Finally I accepted that he would have to go away to school and went to the Ohio State School for the Blind where he was given a test. I later found out that it was an Interim-Hayes Binet I.Q. test which was inappropriate since he was a non-verbal child. At any rate, he did not receive a score of at least 50 so he was not accepted into school there, either. At that time, in Ohio, children who scored less that 50 I.Q. were excluded from school and so, my son was excluded. My son and I were once again rejected and I still did not realize that I had the right to challenge these decisions that were being made about my son. There were no procedures to ensure due process. No one told me to get an attorney and to defend my child's rights to an education. I still didnot realize that society had made a judgement as to the worth of my child and had found him not worthy of expending public funds to provide for his special needs. He did not conveniently fit into any prescribed slots and so therfore no one wanted to be bothered. Tom withdrew from the world and I don't blame him.

Tom and I sat at home for a year, waiting for someone from the State Department of Education to come and talk to us about what to do next. No one came. I later was to learn that his files had been "misplaced" and Tom Burley stayed lost in the paperwork for four years. No one worried about his education except me, and finally in 1972, I wrote to the President of the United States demanding that my child be provided an appropriate education at public expense. He was then currently enrolled in a private school in Pennsylvania, five hundred miles away from home. I had made the"appropriate" placement myself by going to the public library and reading the directory of schools for exceptional children, making phone calls and putting Tom's name on waiting lists until finally a school had accepted him over the phone. We were not a wealthy family; in fact, at the time we were tenant farmers and had never earned more than $9000 a year. I made the rounds of agencies both public and private, trying to come up with the $5000 a year I needed for Tom's tuition and transportation. The list of contacts I made during this time fills eleven legal pages. No family should be subjected to this kind of treatment. I was made to feel like a beggar, and I had to be grateful for any crumbs I could get. Tom's second year in the private school only lasted three months. I had used all our savings and Ohio Department of Education would not allow the local school district to pay the tuition because it was a private school,out-of-state and Tom's IQ. was below 50.

I had heard that some of our neighbor states were providing programs for multi-handicapped children and I contacted a cousin who lived in Michigan. My husband and I had to go to court and give up custody of our son in order that my cousin could get him into a school in Michigan, which was providing for blind M/h in a regular school setting. However, Michigan thought that Ohio should take care of its own problems, and Tom was not allowed to begin the program. Once again, Tom was out of school. By this time, I had heard about the PARC case and thought that what was true in that instance must also be true in my case.

Testimony of M. Burley, page 3.

While in Michigan, I had heard of a new program at Ohio State School for the Blind for deaf/blind children and so I contacted the Project Director at the Ohio Department of Education. I demanded to have Tom evaluated for the program which I found was a federally funded project. He was placed on a waiting list which made me furious. Every time an administrator tells me that P.L. 94-142 came too soon, I think of my son and all the others before him and I know that, if anything it came too late. We have had years of waiting, waiting for there to be enough concern on the part of legislators, administrators, educators to want to provide for these children what has been their right all along.

In February, 1974 Tom was finally admitted to the deaf/blind program and I was sure my battles were over. The sad part was that he was no longer the happy, trusting little boy who liked everyone on the first day of kindergarten. He was withdrawn, self-abusive, uncooperative and I couldn't blame him at all. It was fortunate for us that Congress was listening to the cries of its constituientsand began to enact federal legislation to guarantee our children's rights. In 1975, I was once again told to find another program for my son because there was not enough money for all the children and Tom was more severely handicapped therefore he should leave. For the first time, I had a federal law to back me up and I stood my ground. I refused to remove Tom and I appealed to the Commissioner of the Bureau of the Education for the Handicapped, since the program was federally funded. He intervened and the school had to keep Tom, since they could find no other program which was more appropriate. It is of the utmost importance that the Bureau be a strongarm of enforcement if we are to continue to enforce P.L. 94-142 so that all children, regardless of the severity of their handicapps, are accorded their true rights. It seems that many states only take the law seriously when their federal funds are threatened. A case in point, Ohio only changed its education law which excluded children with an I.Q. below 50 when the Part B federal dollars were withheld in 1976. Unfortunately, governments do not always make change just because its right, sometimes it also has to be because of loss of funds.

When I attended my first I.E.P. conference for Tom, I was very disappointed. I found that the school thought this was only some paperwork and had nothing to do with the educational services to be provided to my child. I was fortunate for I had been given the opportunity to attend several conferences sponsored by the federal government for parents to learn about the new law.(Midwest Regional center for Services to Deaf/Blind children.) Many other parents have not had this chance and so do not know what should be happening. At the first meeting the principal wanted me to sign a form which had already been typed(four copies) I could not since only those services which were currently available were listed. At a future meeting, I asked several specialists to attend so that real needs and services could be addressed. This was seen as threatening by the administration. I only wanted to help get the best services for my son and was looking for free community agencies which could supplement the school program, such as university training programs, volunteers and others. I finally had to ask the local school district for an administrative review of my son's I.E.P. and this seemed to help get a better plan written. The due process procedures are an essential part of P.L. 94-142 and must be maintained as they assure parents' and child rights.

Testimony of M. Burley, page 4.

Some administrators complain that writing I.E.P.'s is too time consuming and of little value. I can not agree with this premise. It has been my experience that good educators have always written individual plans and that it is best educational practice. In the past, schools always had staffings on students so very little additional time is required. I believe the real issue is the fear of school officials of involving parents in the decision making. Parents spend more time with the children and have very important information to add in these planning sessions. The I.E.P. is the heart of the law and it must be keep intact if the law is to have a real impact and to bring about change. My school district is reluctant to develop an I.E.P. until after the placement decision is made, for they still think that only those services available should be writoten in the plan.

On January 31,1979 I again received a telephone call from Tom's School asking that I come to a meeting. I have enclosed a transcript of that meeting. It was hard for me to believe what I was hearing. Once again I was being asked to remove my son from a school program. The school superintendent was lecturing me because I had not found another program for my son. Finally he made the statement that he did not have a strait jacket nor the staff to use it on my son. I wanted the world to stop, it seemed like this was where I had come in. Fortunately, this time I had the guarantees of P.L. 94-142 on my side. Even though the administrator didnot seem to know the proper procedures, since he did not contact the local school district to let them know of the problem, because I was familiar with due process by now, I requested an administrative review of Tom's educational placement by my local superintendent. He wanted to find the appropriate program for Tom and asked for a new assessment to help guide him in the selection. After reviewing the findings of the assessment team, he felt that there were no programs available in OHio at the present time and requested the Department of Education to develop these and to permit him to make a placement at Perkins School for the Blind in Mass. as indicated by the assessment. The Ohio Department of Education has an administrative policy that no educational dollars may be paid to a private school and that no dollars can be paid out-of-state. If my district makes this placement, they will be subject to an audit finding according to ODE. At the present time, there is no I.E.P. in place for Tom since my district does not want to develop it until they know what school he will go to. I have already been advised by Dr. Bowers, O.D.E. that an "impartial hearing officer" will advised to find on Ohio law and standards not P.L. 94-142. My only recourse seems to be to go to the Federal courts.

Without P.L. 94-142, my son would not be at Perkins where today he is receiving an appropriate education, even though it is not yet settled who will pay.

Without the federal law, I would have long since quit fighting and given up. I believe that the implementation of this law in large part, will come about when more parents are trained about their rights as I was through federal projects and parent advocacy groups.

I believe that this old adage applies today to parents of handicapped children:

> "Blessed is the man who thinks and talks with facts. He is needed in the world today, where more money is spent by doing things wrong than by not doing them at all. To the man with facts life offers greater resources, greater responsibilities and more satisfactory achievements than at any period in history."

Thank you for your interest. I would be glad to answer any questions.

MARGARET BURLEY - QUESTIONS

1. WHAT REASON WAS GIVEN FOR THE EXCLUSION OF YOUR CHILD FROM KINDERGARTEN?

2. YOU DESCRIBE WHAT MUST HAVE BEEN A VERY DIFFICULT AND TROUBLESOME PROCESS IN LOCATING AN EDUCATIONAL PROGRAM FOR YOUR SON BEFORE THE ENACTMENT OF PUBLIC LAW 94-142. IN YOUR OPINION HAS THE LAW ALLEVIATED ANY OF THESE PROBLEMS?

3. WOULD YOU ELABORATE ON THE REASONS FOR YOUR DISAPPOINTMENT WITH YOUR SON'S IEP?

4. WHAT WAS THE OUTCOME OF THE ADMINISTRATIVE HEARING YOU REQUESTED?

5. WHAT IS THE PRESENT STATUS OF YOUR SON'S CASE?

6. IN YOUR OPINION ARE THE PROBLEMS YOU HAVE ENCOUNTERED A RESULT OF PROBLEMS WITH PUBLIC LAW 94-142 OR STATES' COMPLIANCE WITH THE LAW?

## MARGARET BURLEY - QUESTIONS

1) Q - What reason was given for the exclusion of your child from kindergarten?

1) A - When the Pleasant Local School principal, Mr. J.M. Hunt, called me in September, 1967 to tell me I should not send Tom back to school, he said that the State Department inspectors had been up to Pleasant School and had said that 30 pupils were too many for the teacher. Since Tom was handicapped, the inspectors said Tom would have to leave because it was too hard on the teacher. To my knowledge, no other children were asked to leave, only Tom because he was handicapped. The inspectors also told Mr. Hunt that he had not gone through the proper procedures to see if Tom qualified for school. He was told to schedule Tom for an appointment at the evaluation clinic for the blind children in Columbus, Ohio. This evaluation was not completed until February, 1968. No program was provided for Tom based on the report which said his I.Q. was below 40. He was excluded from public school because Ohio law did not provide for children with I.Q. below 50.

As a parent, I had no knowledge of why Tom was excluded. I was told by the psychologist to take him home and put him in a room with nothing in it. That it was better for "these" children. Because parents were not considered equal partners by educators prior to P.L. 94-142, the laws, testing procedures, nothing of this nature was discussed with us. As you can see from the attached Report of Evaluation (See Attachment A) the Interim-Hayes Binet was the test used, which is appropriate for a blind child with age-level verbal skills. However, the same report notes that Tom has no speech or language, therefore the test (single) used to exclude him from school was an inappropriate test.

Under P.L. 94-142 this should not happen because no single test or I.Q. score can be used in evaluation. 94-142 also guarantees that tests be appropriate and not be discriminatory. Today, I would have to give permission for the assessment and be told the reasons it is requested, what use will be made of the results. All these are needed safeguards so that children will have their unique needs assessed and appropriate services delivered. Note the sentence "Tom did not appear capable of profiting from formal educational programming at this time." This was the old value judgement made by schools which I mentioned in my statement. P.L. 94-142 ensures that all children will receive an appropriate education - no matter their I.Q. level.

Also P.L. 94-142 ensures that parents have access to their child's school records. Note at the top of attachment A the "CONFIDENTIAL". Parents were never supposed to see this report. There are many errors in judgement made in this evaluation report and if I had had the opportunity to see this report, I could have had more reason to object to Tom's being excluded. It was many years later, after 94-142 that I obtained a copy.

2) Q - You describe what must have been a very difficult and troublesome process in locating an educational program for your son before the enactment of Public Law 94-142. In your opinion has the law alleviated any of these problems ?

2) A - As I stated above, P.L. 94-142 prohibits any child from being excluded for any reason. Therefore, if Tom were born now, his whole life or at least his school days would have been different. Early intervention is the key to forming good behavior patterns, increased communication, better fine and gross motor skills, language, mobility, and social interaction for children like Tom. If there is any lack at all in 94-142,

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Note: Additional detailed material may be found in the files of the Subcommittee on the Handicapped.

it is that education intervention and family counseling are not mandated from birth through 21 years. Families need help in dealing with their feelings and need guidance in knowing their rights from the very first days. In Ohio, handicapped children are only mandated to be served at age 5. For many severely handicapped, hearing-impaired or language-delayed children the most precious years are lost. We should tighten up 94-142 to increase services at the earliest possible age.

3) Q - Would you elaborate on the reasons for your disappointment with your son's IEP?

3) A - The first I.E.P. was sent home to us by mail. It was contained in a letter from Ohio State School for the Blind, which was dated March 22, 1977. (See Attachment B) It was a form letter with our names filled in stating that 2 copies of the prepared I.E.P. for the school year 1976-1977 were enclosed. As you can see, the school year was almost over before any mention was made of the I.EP. The letter stated that new federal and state laws required preparation of I.E.P.'s by schools and further, that parents be included in the development of the I.E.P., yet it was typed and mailed. All the school wanted from parents was their signature. I had to request a meeting with the principal to review the plan, but by the time this was set up only a few weeks of school were left. The teacher did not attend the meeting, so I couldn't talk about goals and objectives with her. Only the principal came. He told me, when I requested additional services, that the school was only writing I.E.P.'s for what they had in place, and that the I.E.P. only applied to the current school year. No review was held at the end of the school year to see if progress had been made or to revise or rewrite even though Tom was not doing well. I expected that, at least, the review would be held by the beginning of the next year, 1977-78. It did not happen. It was past Oct. 1, 1977 when federal law said every child must have an I.EP I approached the school principal, a new one, Mr. Jackson and asked for an I.E.P. meeting. Tom, by now, had a new teacher and was in a different class. Mr. Jackson told me I had signed a form saying I didn't want a meeting on the I.E.P. which he had put in the registration packet for all parents to sign on the first day of school. He said all the parents (187 students) had signed this form. I explained to him I had no knowledge of such a form and if I had signed it, it was not informed consent, therefore, I wished a meeting. He agreed and said he would call for the time.

I went to O.S.S.B. on the date arranged, but when I arrived, I was again disappointed. The teacher again did not attend, only Mr. Jackson. He gave me (4) four typed copies of an I.E.P. and said I could read it and sign. I explained I had concerns about the school and residential aspects especially since Tom was not doing well so I could not sign the I.E.P. No short term objectives were written in either. I asked for another meeting to clarify some issues and concerns. Mr. Jackson agreed and said he would call me. However, approximately one month later, November 15, 1977, I received all (4) four copies of the same I.E.P. in the mail with another form letter, asking me to sign and return these "forms." Of course, I did not. Again I requested an I.E.P. meeting. It was arranged for January 1978 but canceled by bad weather. Finally, when nothing was happening, I called Dr. Ray Horn, Executive Director for Compensatory and Habilitative Education, Ohio Department of Education and explained that there had been no I.E.P. meeting yet. He instructed Ohio State School for the Blind to arrange the meeting at once. It took place on March 19, 1978. I invited some specialists who had worked with Tom to come to the meeting. The school, this time, had their teacher and program coordinator and psychologist attend. We talked about the I.E.P. the school had written and I explained that Tom's needs were not being met. Mr. Holmes, the school superintendent (O.S.S.B.) said that Tom would be given the basic deaf/blind curriculum which they had developed.

State of Ohio
Department of Education
M. W. Essex, Superintendent of Public Instruction
OHIO STATE SCHOOL FOR THE BLIND
Dennis L. Holmes, Superintendent
5220 North High Street
Columbus 43214

Attachment B

March 22, 1977

Mr. and Mrs. William L. Burley
3505 LaRue Prospect Rd., S.
Prospect, Ohio 43342

**Re: BURLEY, Thomas Ray**

Dear Mr. and Mrs. Burley:

Enclosed are two (2) copies of the Individualized Educational Plan (I.E.P.) for your child for the 1976-77 school year.

The new federal and state laws require that all schools prepare I.E.P.'s for their handicapped children enrolled and, further, states that parents or legal guardian be included in the development of the I.E.P. for their child each school year.

If you desire a meeting with the principal and your child's teacher to review and/or revise this plan, please contact Dr. Richard DeMott, Principal, Ohio State School for the Blind, (88874616) by Wednesday, April 6, 1977.

If you are in agreement with the enclosed plan, please sign both copies and return them in the enclosed self-addressed stamped envelope.

Upon receipt of these I.E.P.'s, we will forward them to the Superintendent of the Local School District in which you reside who will sign both copies keeping one for his files and returning one for our files.

Please indicate the local school district in which you reside on the attached sheet and return this information along with the I.E.P. so that we will be sure that we contact the correct local school district superintendent.

Thank you for your immediate attention to this matter.

Sincerely,

Richard DeMott, Prin
Ohio State School f/t [illegible]

Dennis L. Holmes, Superintendent
Ohio State School for the Blind

Enclosures (4)

DLH/kp

There were no related services available such as occupational therapy, speech, and no planned program of activities after 3:00 p.m. even though this was a residential school setting. I asked for the short term objectives and for Tom to be given a pre-vocational training program because he was almost 16 years old and it appeared he would need sheltered environments such as sheltered workshop in his adult life. The specialists who came with me from Midwest Regional Center for Services to Deaf/Blind Children and Nisonger Center (U.A.P. at Ohio State University) agreed that these components were needed for Tom to reach his potential. Mr. Holmes said Ohio State School for the Blind could not provide these services, therefore, he would not agree to write any of these into the I.E.P. because as of Sept. 1, 1978 he would be obliged to carry-out whatever was written. He wanted me to again sign the same forms that had previously been prepared. I was disappointed because I really thought the purpose of the meeting was to talk about Tom's needs and how best to meet those needs. I assumed the school would want to help Tom as mush as I and the others who had taken their own time to come with me. It was evident to us that was not the case. The school only wanted a signed I.E.P. "form" so they would have a "paper compliance". It would appear that Tom's needs were being met if their records were to be reviewed. I could not agree to such a farce. I was told I could come for a look at the short term objectives in the curriculum book. I went in April to review these but it seemed rather bothersome to the principal and coordinator. They said it was practically a waste of time since school would be out June 9, 1978. What I did not know was that the teacher had referred Tom for evaluation and that the school was trying to get Tom out of the program, since I had raised all those questions at the March 19, 1978 I.E.P. meeting. I finally signed the form on April 7, 1978 because I was told it would be reviewed in May, 1978 and since the I.E.P. only was to be in effect until June 9, 1978. (see Attachment C). I was not given a copy at that time.

There was no review of the I.E.P. in May or June. In June, by mail I received two forms. One was called "Annual Administrative Review." This form stated that Tom's Review had been conducted by the Deaf/Blind Coordinator and the Principal of Ohio State School for Blind. It stated that educational data and psychological data had been reviewed and continuation of Tom's placement in the present program was recommended. I had not been contacted for any review, input, permission for assessment or anything. There was no accompanying explanation, no notice of any rights or anything. I was bewildered. A copy went to Mr. Glen Moss, my local school district superintendent, along with his copy of the "Placement and I.E.P. Authorization" form. He did not understand these and called to ask me what to do. I explained we should all meet to review Tom's I.E.P. since this had not been done. He was confused by the thought that in order to make placement he had to delegate authority for developing the I.E.P. (See Attachment D).

I wrote to Mr. Jackson, principal of Ohio State School for Blind, asking for a copy of Tom's I.E.P. including the short-term instructional objectives. He returned the copy I mentioned previously (See Attachment C) with a letter stating that I should look at the June progress report, and then read the Deaf/Blind curriculum guide (which only the school has copies of) and I should be able to figure out which objectives Tom was ready for. This was impossible for me to do. The guide was developed by the school and is about 200 pages long and I didn't have one. Anyhow, it was a guide, not a specific program plan for Tom, which would address his needs as an individual. Mr. Jackson said I should contact the teacher for further assistance but school was out. I had no home phone number or address and I lived fifty miles from school. (See Attachment E) I was very frustrated by now because I didn't know what services Tom would be provided when school started in Sept. 1978 and yet I knew according to federal

State of Ohio
Department of Education
Franklin B. Walter, Superintendent of Public Instruction
OHIO STATE SCHOOL FOR THE BLIND
Dennis L. Holmes, Superintendent
[illegible]
Columbus 43214

ATTACHMENT E

July 26, 1978

Mrs. Margaret Burley
3505 LaRue Prospect Road, S.
Prospect, Ohio 43342

Dear Mrs. Burley:

Enclosed you will find a copy of Tom's I.E.P. which you recently requested. I have also enclosed a copy of the final report on Tom's progress for the year ending June, 1978.

By reading the progress report which includes many instructional objectives and looking at the curriculum guide for the deaf-blind program, you should be able to identify the short term objectives which Tom is ready for.

If we can be of further assistance, please do not hesitate to contact Barbara Burns.

Sincerely,

Carroll L. Jackson

Carroll L. Jackson
Principal

CLJ/mm

Enclosures

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regulations that Tom should be receiving full services by then.

I requested an administrative review of Tom's I.E.P. by Mr. Moss, the local school superintendent, so that we could determine what would be provided for Tom. Mr. Moss didn't take immediate action, but just before school started did request a meeting with School for the Blind. It was already August 25, 1978, ten days before school started. (See Attachment F) I heard no word on this until school started and on the first day I was asked to make an appointment for the I.E.P. meeting to write a new I.E.P. This was set for Sept. 25, 1978, so Tom started school with no I.E.P. in place.

The September 25, 1978 meeting took place with School for the Blind staff and Mr. Moss, Pleasant Local Superintendent. Related services staff and teacher attended. I thought we were finally getting it right. There was no occupational therapist on staff, though, so none was written into the I.E.P. Tom was to get speech therapy, adaptive physical education and I thought mobility training. Also I was told he would start a pre-vocational program. Mr. Moss was pleased, too. No behavior problems were brought up to indicate the School for the Blind was concerned or wanted Tom removed. Yet one week later I was called to a meeting. It was arranged for October 3, 1978. The whole School for the Blind staff were there and they began to tell me of Tom's inappropriate behavior and that they were having problems with him. He did not fit into their program and that I should start to look for something else. I suggested a medical evaluation might be needed, to see if there were any unknown problems. The school psychologist diagnosed Tom as having psycomotor seizures and stated that his medicine was not a large enough dosage. The whole attitude had changed it seemed. I suspect it was because I was alone this time.

After the medical evaluation, and no medical problems were found, I returned Tom to School for the Blind. I notified Mr. Moss that Blind School was having problems. He had not b een notified by them. I again got outside professionals to come in to help school staff deal with their problems with Tom. Several meetings were held. School would not modify their program to benefit Tom as suggested by outside consultants. School for Blind did not write up the IEP plan as discussed on September 25, 1978, so when Mr. Moss did not get a copy he inquired. It was finally sent on December 18, 1978 to him. No pre-vocational program nor occupational therapy were noted as needed. No mobility training either. No short term objectives were written. An attached list of long term goals were taken out of the curriculum guide, many of which he could already do.

Finally on January 31, 1979 we were called to the meeting which I mentioned in my testimony. I have included a copy of the transcript of that meeting with my testimony. School for the Blind did not notify Mr. Moss of the meeting nor in all those months since October did they notify him of problems, of wanting to change placement or anything. This is a serious problem, because lack of communication amon agencies responsible has been a cause of concern in the past. P.L. 94-142 makes one agency responsible, the local education district. But this agency must be kept informed by schools or agencies where they place children out of district.

I have enclosed a report sent to Dr. Ray Horn by Ohio School for the Blind superintendent Mr. Holmes. (See Attachment H) Because Tom had been asked to leave without benefit of due process procedures, he was in some difficulty with the State Department of Education. There never had been another meeting to change Tom's IEP or to change placement.

**PLEASANT LOCAL SCHOOLS**

MARION, OHIO 43302

ADMINISTRATION BUILDING
2341 Smeltzer Road
Phone 389-2389

ELEMENTARY SCHOOL
1105 Owens Road, West
Phone 389-4

JUNIOR HIGH SCHOOL
3907 Smeltzer Road
Phone 389-2389

HIGH SCHOOL
1101 Owens Road, West
Phone 389-2389

ATTACHMENT F

August 25, 1978

Mr. Carroll Jackson, Principal
The Ohio State School For the Blind
5220 North High Street
Columbus, Ohio 43214

RE: Burley, Thomas Ray

Dear Mr. Jackson:

I read into your May 31st correspondence that I need not request an Annual Review of the I.E.P. for Tom. Talked with Mrs. Burley recently and after attending several meetings, she believes that we must do so. With this in mind, I would request the I.E.P. Review at a time convenient for you, Mrs. Burley, and myself.

Sincerely,

Glen F. Moss
GLEN F. MOSS
SUPERINTENDENT

GM:db

Q. 4. What was the outcome of the administrative hearing you requested?
A. 4. The administrative hearing was held on March 6, 1979. I requested it on February 14,1979. The decision is supposed to be given within twenty days. On March 27, 1979 I received a letter asking for a 20 day extension for the decision. (See Attachment I). I granted a 15 day extension but the school still did not know what to do. At the end of an additional 22 days a second letter was received saying that placement would have to be made back at the School for the Blind until a more appropriate placement could be found. By this time I had taken Tom to Perkins School for the Blind where he had been evaluated and accepted into the school, beginning with summer term. I was advised by Bonnie Ritchie, Ph. D. psychology, Alison Lynn, play therapist and Henry Leland Ph. D. not to return Tom to Ohio School for the Blind because he could have serious damage psychologically. Mr. Moss knows of this and has said he would agree with the placement at Perkins and be willing to pay the educational costs. However, when he consulted Ohio Department of Education officials, he was told he could not make that placement because it is a private school and Ohio will not allow dollars to be paid to private schools out-of-state. He advised me that if Ohio didn't have anything by September 1979, I should send Tom back to Perkins. At the present time that is what I plan to do. Tom has done beautifully there this summer and has shown none of the behavior problems he was dismissed for at Ohio School for the Blind. Perkins program is individualized just to meet his unique needs. He has the 1:1 ratio as his assessment says he needs. He also has the total pre-vocational program and pre-community living training which his assessment says he needs.

Ohio Department of Education wants me to return him to Ohio School for the Blind because they do not want to pay for his program at Perkins, even though they get VI-C monies for deaf-blind children from the Federal government. You see, this case would set a precedent, so naturally Ohio does not want to have to pay for these programs.

Q. 5. What is the present status of your son's case?
A. 5. In June, 1979, I notified the Pleasant Local School District, in writing, that I objected to placement at Ohio State School for the Blind based on Mr. Holmes and Mr. Jackson saying they could not provide a program appropriate for Tom's needs. Also, the regional assessment team had documented that this placement was not appropriate. In the same letter, I also asked for an I.E.P. meeting to develop a new plan for Tom based on the extension evaluation data we now have. I had also discussed this with Mr. Moss by phone on April 27, 1979. He agreed, but when he discussed this with Ohio Department of Education officials, they did not want him to develop a new I.E.P. At the present time, there is no I.E.P. in place, for Tom. He has not been in a school program at public expense since Feb.2, 197 as a result of the school wanting him to leave. Mr. Moss, my husband and I have traveled to Columbus, Ohio twice, once May 4, 1979, and again June 13, 1979 at request of Ohio Department of Education to hear them tell us about the programs for deaf/blind youths they hope to develop. However, none of these programs are a reality at this time.

Tom has been at Perkins for the summer school term and is enrolled to return September 4, 1979. Since there is no I.E.P. yet, I had to go ahead with these arrangements on my own, since Perkins had to know by July 27, 1979 if Tom were returning. After all the years of searching, I could not turn away when finally a program could provide for all Tom's needs. He liked it there so much, he did not want to come home when summer school was over. He progressed more in five weeks at Perkins, than five years at Ohio State School for the Blind.

**PLEASANT LOCAL SCHOOLS**
MARION, OHIO 43302

ADMINISTRATION BUILDING
3841 Smeltzer Road
Phone 389-2389

ELEMENTARY SCHOOL
1168 Owens Road, West
Phone 389-4815

JUNIOR HIGH SCHOOL
3507 Smeltzer Road
Phone 389-1389

HIGH SCHOOL
1101 Owens Road, West
Phone 389-2389

March 26, 1979

Mrs. Margaret Burley
3505 Larue-Prospect Rd. S,
Prospect, Ohio 43342

Attachment I

Dear Margaret:

In response to the Administrative Review you requested and we conducted March 6, 1979 at the Marion County Board of Education Office.

I. Administrative Review requested by Mrs. Burley to discuss some important issues relevant to the educational placement of Thomas Ray Burley, who is currently enrolled in the Ohio School for the Blind-Deaf Project.

II. Ohio Department of Education Standards require that I notify all parties in writing of my decision within 20 days.

III. Based on the information available at this time, it is my best judgement that the most appropriate educational placement for Tom would be with the Marion County Board of Mental Retardation. However, I have not received the results of the Nisonger evaluation nor the results of the Northcentral Ohio Special Education Resource Center REACT Team. I would like to include these results from the Nisonger Center and REACT Team in making my final decision.

IV. I would appreciate your approving a 20 day extension so that these results may be included.

Sincerely,

Glen

GLEN P. MOSS
SUPERINTENDENT

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Q. 6. In your opinion are the problems you have encountered a result of problems with P.L. 94-142 or states' compliance with the law?

A. 6. None of my problems have been caused by P.L. 94-142. All of the problems I see are caused by Ohio's unwillingness to comply with the law. For example:

1. ALL school districts in Ohio have been told not to make any placements in private schools. What happens to the child who has unusual needs which can't be met in a small rural district? How can individual decisions be made on single cases when there is a statewide policy of "No private school placements."
2. ALL school districts in Ohio have been told not to make out-of-state placements. Again, the same blanket decision-not on case by case issues.
3. ALL school districts expect that is children test in the lower I.Q. range, those below 30 should be in state institutions. Mr. S.J. Bonham, Jr recommended Columbus State Institution as an appropriate educational placement for our Tom. He put this in writing to Mr. Moss. Isn't this why the P.L. 94-142 was enacted? To prevent children from being labeled and warehoused. I don't believe our Ohio officials understand the spirit or the letter of the law.
4. In almost ALL school districts in Ohio children who are considered in the 30-50 I.Q. range-trainable mentally retarded are assigned to County Boards of Mental Retardation. Nothing has really changed. These children are still segregated in isolated schools, many in a cow pasture or near a county garbage dump. NO provision is made for education with non-handicapped children. The only basic change has been that paperwork is now exchanged and school districts pay tuition to County Mental Retardatio Programs.
5. Ohio does not want parents to know their rights. Parents have to learn from other parents and become knowledgeable enough to ask for copies of I.E.P., rights handbooks, comprehensive plans and other documents. Many parents in Ohio do not yet know they may have copies of their child's school records.

I believe that P.L. 94-142 needs little in the way of changes. As I stated before, the earlier ages should be mandated. I think we should give the law a chance to work. Full services goal was September 1, 1978. Most schools in Ohio felt no obligation to do anything different until after that. One school year of full implementation is hardly enough to say it can not work. I have enclosed a part of a newsletter which contained an article about Tom's educational placement problem. (See Attachment J) This group and others will begin to inform parents more fully of their children's rights. Then, perhaps, we will see real implementation. No one ever expects that handicapped children will march into a school board meeting, but given their rights, parents might.

*Ohio Coalition of Citizens with Disabilities Inc.*

ATTACHMENT II

STATEWIDE NEWSLETTER, April, 1979 p.3

are interested in working together statewide on this vital issue, contact OCCD or MOBILE!!

## Education for ALL Children Still a Problem

All children are required by state and federal law to be provided through their school system an appropriate education. Right?? Right!!! Why then are some public school programs in Ohio splitting hairs when decisions concerning children in their districts are made?

If your child has needs that require special considerations, such as Tom Burley has, you are facing the same frustrations his parents are. Tom is deaf and blind, and there is no appropriate Ohio program that will provide him an education that will stimulate his potential for learning. Should Tom be denied an education? We believe the State of Ohio should be willing to place Tom and other children like him in programs outside Ohio IF NECESSARY. If you or your child are facing a similar problem, contact the Statewide Parent Information Network c/o OCCD for guidance and assistance.

## Happenings in Ohio

OCCD member, Jack Phillips, reports that ACCESS COLUMBUS is in the final stages of printing a Guide Book for Columbus. Any one wanting information can contact Jack at: 70 Marie Dr., Pickerington, Ohio.

Emily Summers and several interested persons in the Columbus area are planning for a housing seminar to be held in Sept, 1979. If you would like more information write: Emily Summers, 2172 Agler Rd., Apt. 1-D, Columbus, Ohio 43224

The Office of Civil Rights, Dept of HEW, has contracted with the Contract Research Corp. of Belmont, Mass to provide training throughout the Mid-West for handicapped persons about their rights under Section 504 of the Rehabilitation Act of 1973. OCCD member Karla Lorts has been selected as the State Coordinator for Ohio for this project and member Betty Webb has been selected as a co-trainer. The program will be held May 25-27 at the Neil House, Columbus, Ohio. Contact Karla Lorts, 31 Stonebrook Dr., Delaware, Ohio 43015 for information.

## R.S.C. Establishes Office

Cooper Sontag, Administrator, Rehabilitation Services Commission, recently announced the establishment of the Office of Consumer Affairs and appointed Frank Gattas as its first director.

The office is to plan and coordinate programs that will expand consumer involvement and consumer advocacy.

Objectives of the office include:

A. To involve consumers in an advisory capacity to R.S.C. on matters of broad policy development and input to the State Plan.

B. To meaningfully relate to consumers and to consumer organizations at the grass roots level.

C. To obtain input from consumers about Vocational Rehabilitation Services which may directly effect them.

D. To provide for advocacy in behalf of handicapped people in our state.

While Mr. Gattas has received considerable recognition for his work in the field of deafness, he has not worked with any other disability groups, nor is he handicapped. If you are concerned about his ability to represent you, contact OCCD that the organization may voice this concern to R.S.C.

## Year of the Disabled

Julius A. Shaw, Director, N.Y. City Mayor's Office for the Handicapped, informs OCCD that the United Nations has declared 1981 as "The Year of the Disabled." Support is gathering to ask the U.S. Postal Service to issue a stamp depicting the International

July 16, 1979

Dr. G. Robert Bowers
Ohio Department of Education
65 S. Front Street
Columbus, Ohio 43215

Dear Dr. Bowers:

I am writing on behalf of Mr. & Mrs. William Burley about their son, Tom. It has been approximately one month since our last meeting, and September draws ever closer. I am writing to inquire what progress has been made to develop an Ohio program appropriate for Tom and others with similar disabilities. Specifically, what progress has been made in establishing a program at Proctor?

At our meeting on June 13, you suggested four possible alternatives for Tom -- OSSB, Proctor, a deaf-blind 169 program and CSI. We (the Burleys and I) ruled out OSSB because of the lack of programs in areas such as behavior management, pre-vocational training, and community living, because of the staff-client ratios, because of the absence of age-appropriate peers, and because of Mr. Holmes' earlier statement that they did not have an appropriate program for Tom. We expressed reservations about Proctor because the program there was presently non-existent and lacking in physical facilities and qualified staff. Thus, any conversation along that line was speculative and purely hypothetical. We pointed out that a suitable 169 program to meet this specific need was unavailable. Finally, we objected to placement at C.S.I. because that amounted to "warehousing" instead of education, and because that was completely out-of-sync with the legislative mandate of deinstitutionalization.

I understand that it is the position of the Ohio Department of Education that it does not have authority to pay for an out-of-state placement. Is that a policy decision or a legal interpretation? If the latter, please advise me what authority (statute or otherwise) that interpretation is based upon. I would like to reiterate my request for a formal Attorney General's Opinion on the matter, for I believe that some educational needs are so unique that it would be more economical to pay for placement out-of-state than to set up a new program here in Ohio.

Furthermore, I would like to request that you explore (i.e., by Attorney General's Opinion) whether or not the Ohio Department of Education or local school district could indirectly pay for an out-of-state placement by paying it to another in-state agency such as a local county children services program. They in turn would pay the out-of-state facility.

Before I close, I would like to reiterate that parents such as the Burleys would also prefer to have an appropriate placement available in Ohio so that they can be closer to their children. However, they are not content to see precious months and years slip by with their children inappropriately served when an appropriate placement is available elsewhere. They want to see the programs molded to the needs of the children -- not the children being forced to fit whatever programs happen to be available.

Thanks to you and your staff once again for taking the time to discuss this matter on several occasions. I will look forward to a reply at your earliest convenience.

Sincerely,

David A. Zwyer
Legislative Project Attorney

DAZ/sl

## MARGARET BURLEY - FAPE QUESTIONS

Q. 1. What is your understanding of the term "free appropriate public education?"

A. 1. My understanding of FAPE is that every handicapped child will be provided, at no cost to his parents, an education which is tailored to his individual needs as determined by the development of the Individual Education Program which shall be written based on the assessed needs as prescribed by the multidisciplinary appraisal team.

Q. 2. As a parent of a handicapped child can you tell us what, is any, programs are offered by your school district to nonhandicapped children but not to handicapped children?

A. 2. I have no information on that.

Q. 3. What impact has Public Law 94-142 had to date on the quality and quantity of school services provided the handicapped by your school district?

A. 3. It has improved the assessment of handicapped children by forcing the district to seek appropriate evaluations by qualified staff which in turn helps to ensure more appropriate educational services.

Q. 4. Since the enactment of Public Law 94-142 what progress has been made and what problems remain with respect to the identification, diagnosis and placement of handicapped children?

A. 4. Children can no longer fall "through the cracks" so easily as they have in the past. The local school district is responsible for all children even though some of this is still just on paper. Many parents still do not know that the local district is responsible. If their child is mentally retarded, they still think and in many cases no one has informed them any different, that if a child seems retarded he will automatically be enrolled in the local county program for the mentally retarded. There is still no mind set that the new education laws are for the mentally retarded too. When a parent identifies a child to a district such as ours and the child is below the mandatory age, the parent is told that the district has no responsibility until the age of five. I believe this is incorrect and that appropriate assessment and planning should be done by the district as soon as possible. In Ohio, we fund special education classes through what is known as unit funding. This causes problems because districts do not like to identify as they should children who need services unless they already have a unit funded for that category and there is an opening. Many children are still on waiting lists in Ohio to be evaluated. In some areas these lists are called observation lists and the children are reported as served to the State Department so that reimbursement can be obtained. School districts such as mine will not write any services into the IEP which are not provided directly by them. This tends to dilute the concept of the school being the coordination agency for service delivery. The reason seems to be that the school district is afraid that the agency will discontinue services and then the school will be responsible for paying for the services. The overriding obstacle to the implementation seems to be lack of money.

SONYA MAWHORTER - QUESTIONS

1. YOU MAKE MENTION OF A DUAL DELIVERY SYSTEM IN OHIO WITH EACH SYSTEM HAVING ITS OWN STANDARDS AND CRITERIA FOR ADMISSION TO PROGRAMS. COULD YOU EXPLAIN THAT FURTHER AND ELABORATE ON THE DIFFERENCES IN STANDARDS AND CRITERIA?

2. WHAT IS THE EXTENT OF YOUR CHILD'S HEARING LOSS?

3. YOU CONVEY A SENSE OF SATISFACTION ABOUT THE EDUCATIONAL PROGRAM DEVELOPED FOR YOUR HANDICAPPED DAUGHTER. IN YOUR EXPERIENCES AS A PARENT AND ADVOCATE IN OHIO, IS YOUR CASE AN EXCEPTION ON A RULE IN OHIO?

4. IN YOUR TESTIMONY YOU CITE CASES OF STUDENTS WHO HAVE BEEN EXCLUDED FROM SCHOO. ON WHAT BASIS HAVE SUCH CHILDREN BEEEN DENIED ACCESS TO AN EDUCATIONAL PROGRAM?

5. IN THE CASE OF THE BOY WHO IS NOW 22 AND PAST THE AGE LIMITS MANDATED BY PUBLIC LAW 94-142, HAS A REHABILITATION PROGRAM BEEN SOUGHT FOR HIM? IF SO, WHAT WERE THE RESULTS?

6. CAN YOU EXPLAIN FOR US TO THE BEST OF YOUR KNOWLEDGE THE NATURE OF OHIO'S EDUCATION SYSTEM FOR THE TRAINABLY MENTALLY RETARDED?

7. AS YOU UNDERSTAND THAT SYSTEM, DOES IT CONFLICT WITH THE PROVISIONS OF PUBLIC LAW 94-142? IF SO, IN WHAT AREAS?

8. DO YOU FEEL THE CASES YOU DESCRIBE RESULT PRIMARILY FROM PROBLEMS WITH PUBLIC LAW 94-142 OR WITH OHIO'S COMPLIANCE WITH THE LAW?

RESPONSE TO QUESTIONS FROM THE SUB-COMMITTEE FOLLOWING TESTIMONY ON July 19,1979

BY SONYA L. MAWHORTER 1200 BROOKWOOD PLACE COLUMBUS,OHIO 43209

1. The Dual Delivery system I mentioned in my testimony continues to cause serious program problems and delay in service delivery to Ohio's handicapped children. The Ohio Department of Education has established Standards for Special Education (Attachment A ) which you can see deal only with populations whose I.Q. tests at 40 or above. Althought there is a provision in the standards for Multi-handicapped class rooms, and indeed the presence of these classes seems to have forstalled any serious action by the B.E.H. on site reveiw team, these classes do not offer the traditional trainable mentally retarded child the oportunity to be placed in a school program administered by the Ohio Department of Education. These children, Downs' Syndrome, some Rubella Syndrome, and some without clear diagnoses of their mental retardation, are arbitrarily placed in County Programs for the Mentally Retarded called 169 Programs. These schools are built by and administrated by the Ohio Department of Mental Retardation, and County Boards of Mental Retardation. These schools are totally homogenious, and are built miles from the nearest "normal" school". There would be no oportunity for integration with non-handicapped children regardless of assessed needs or the developement of an I.E.P. which called for mainstreaming. There is as you will see in attachment A no standard adopted by the State Board of Education for this population. Regardless of any "paper" agreements that may exist, and the assurance in Ohio's State Plan, service for these children from the Department of Education does not exist. There ar separate budget items in the state budget and a separate State Department and administrator to oversee these programs. There are several very blatant discriminations that are obvious in the existence of these two systems, however those that have caused the most difficulty to most students are:

A. Separate educational criteria for teachers and administrative professionals. As you will notice from attachemnt A, there are rigid criteria established for professionals who work with handicapped children in public school programs. These certification standards are constantly being updated with the needs of special groups of handicapped children in mind. Persons who teach in or who are adminis-

trators of 169 Programs do not have to have any educational background in special education, psychology, administration, etc. In one program, the adminis-

[illegible]tor is a woman with a General Educationl Degree, a high school diploma equivalent, and several of the teachers in that program are beauticians, or totally unskilled in any way.

B. When a child is placed on home tutoring from a public school program, it is subject ot short term placement, and the minimum ammount of tutoring permissable is one hour per day five days per week. In a 169 program, the home placement can and often is permanent and consists of a home trainer, again not certified because of particular skillls, who visits the home 45minutes one day per week.

C. Class sizes and pupil teacher ratio are very clearly defined in the Standards for Special Education for classes in Public School. However there are no restrictions about the number of children who can be educated in one class in a 169 program.

D. The 169 Programs may at any time discontinue a program for a child without prior notice or the initiation of Due Process. These programs may also set criteria for admission to their programs which can weed out multiply handicapped or severly retarded children. In Ohio, a parent may not bring Due Process against a 169 Program Administrator althought the state standards prohibit TMR youngsters from being served any place but in those programs. The parent must initiate Due Process against the Local School Superintendent who has no juristiction of the 169 program and who has made the placement in the 169 program based on Ohio Standards.

NOTE: Attachment "A", Standards for Special Education, published by the Ohio Department of Education, may be found in the files of the Subcommittee on the Handicapped.

E. State reimbursement for children in 169 programs is not the same as for those in public school programs.

F. There is no opportunity for children in the 169 programs to be educated with non-handicapped children. Remember that these schools are built miles from the nearest school, and that they are administered by a separate state department. In every I.E.P. for every child in these programs , the portion of the I.E.P. dealing with ammount of time child will spend with non-handicapped children simply reads, "none".

G. When the B.E.H. on site team visited Ohio in the fall of last year, Ohio State Plan Officer, Dr. Donald Blodgett was almost trwon intc jail when he attempted to review a 169 program. He was told in no uncertain terms that he had no juristiction there. That is a fairly dramatic illustration of the total separation between the two systems.

SUMMARY: In conclusion, let me say that in every county in which these 169 programs exist, there are school districts who continue to receive P.L.94-142 flow thru dollars for implementing all portions , including Least Restrictive Environment. Although children in these programs have no oportunity to participate in regular school activities and theren have indeed been Due Process hearings in Ohio initiated by parents who wanted their children placed in public school programs, and whose contentions about their childrens' abilities were substantiated by physicansm psychologists, and other professionals, all Hearings to date have been concluded with a finding based on Ohio old policy of segration.

2. My daughter's hearing impairment is 95 DB left ear, 100 DB right ear.

3. My daughter's case and those of other children in her program in the Columbus Public School District, are the only cases at the present time that I have knowledge of being fully appropiate according to P.L.94-142.
No other case which have come to my attention, even cases in which the child's handicapping condition was relatively easy to serve, has the law been completely exersised. Either, the assessments are not done or they are done by a school psychologists exclusively, or the parent never was given there rights ro challenge testing, or the testing was inapproprorte , or whatever, there has never been any case in which all the peicen were in place.

Part of the service problem is in Ohio's funding mechanism of Unit Funding which has no provision for individual need. Whole groups of homogenious handicapped children must be identified before a School District can even begin to put a program in place. If there are a few children who say need more speech therapy that is normally provided( Related services are funded as units based on ADM not on handicapped popülations or individual need), the I.E.P.'s of these children will have identical speech therapy provsions as those who need less. In other words I.E.P.'s are still written based on what is available rather than on what the needs are. The placment of children is based pretty much on the same criteria. If there is a program available , then your child may be served. If there is not program available for say a mentally retarded, deaf child, the parent is told that no program is available and that if they don't like it they can file DUE PROCESS! In some cases Due Process could be a productive process, but what about the child who has been at home for twelve years and who must remain there while the parents go through Due Rpocess only to loose because the Hearing Officer has found on Ohio Policy----Not Law-----Policy! Instead of using the enforcement tools available to them, the Division of Special Education will do everything in its power to continue a school districts funding and support the district rather than terminate funding or threatn to terminate, if the child is not in school.

Parents are not being informed of the Law and their rights under it. Even when a parent attempts to ask questions and become informed they are put off and told that thses things are not their responsibility.In one case (Attachment B) a parent ask the Division of Special Education for five copies of the Standards for Special Education Booklet (Attachemtn A) and were informed that the Division could not mail in large quantities. If five copies is a large quantity, than Ohio is in sad shape.

I have encountered only a few [illegible] parents , most of them in Columbus City, who have received any information on Due Process from their districts.

There has been a concerted effort to keep parents uninformed. This accounts for and is reflected in Ohio's low number of Due Process Hearings.

4. I am currently acting as advocate for four cases involving out of school unserved children in Ohio. In our agency there are at least four more such cases being handled by other case workers.
In the case mentioned in my testimony, Jeffrey Paul Mellott, there has been only one reason ever mentioned for Jeff's exclusion from school The District did not have a program available. I personally started working with the district in January of 1978, and have held several meetings with the, and other agencies. There has been some .effort on the part of the school superintendant to find a solution, but no financial committment, no planning committee to develope programs and no leadership from the Division of Special Edication. Jeffrey's mother has contacted both the Ohio Department of Education and the Division of Mental Retardation regarding Jeff's status and has been doing this for fourteen years. No one has done anything to help Jeff with the exception of one regional commissioner of Mental Retardation, Dr. Rudy Magnoni. He has made every effort to committ as much MR funds and personel as needed to give Jeff some opportunity, but the fact remains that hte Department of Education has made no committmant and Jeff's district continues to receive flow thru dollars and state funds despite Ohio's compulsory Handicapped School Law Ohio H.B. 455 which carries similar enforcement policies. There have been Program Review and On Site visits by both Ohio and B.E.H. teams of this district and by personel who knew not only of Jeff's plight but of the plight of the other people in this same district. How much non-compliance is permitted before a district is found ot be in "NON-COMPLIANCE". How many school districts shall be permitted to violate every part of Ohio and Federal Law before the Division of Special Education is taken to task for submitting State Plans that are fabrications and prevarications?

In other cases of exclusion, the no program excuse is also used as is the "no funding" excuse. In some cases, private programs have been identified, but Ohio policy, NOR Ohio LAW, will not permit thie child to placed in the private facility.

In one case of exclusion, a parent who moved here from another state , was told to move back to her previous residence. Parents are often told to move to Massesschichusets, Michigan, Minn. and many other state, and they are told this by personel in the Division of Special Education.
Of cource, these reasons for exclusion were to have been done away with as of Sept. 1, 1978.

5. A Rehabilitation Program has been sought for every child who is in there teen years who our agency has knowledge of. In the case of the 22 year old boy mentioned in my testimony,the young man will begin intermediate Computer Science training at Wright State University in Dayton Ohio this Fall. Althought this young man passed all the tests for admission to the university itself, and passed the beginning and intermediated test for computer science the Rehabilitation Services Commission District Manager in his are is demanding that he be sent to a physical rehab. program. Please remember that his young man was excluded from public school all his life, and that he has acquired all his knowledge and skills as a result of his families efforts. The Ohio Division of Special Education was made aware of this boy one year prior to his reaching maximum age for service. They did nothing.

6.To the best of my knowledge, Ohio system of education for the Mentally Retarded is run on a county by county basis with little or no strong criteria or standards established at the State Level. Each county has a 169 Board appointed by the County Commissioners. There is not real qualification given to these appointees other than that they be of the same political affiliation as the commissioners and have made sizeable campaign contirbutions. These requirements may be waived if the appointee is a relative of the commissioner. I do not mean to be flip. This is a reality. These appointees have a responsibility to hire and fir personel running the programs, teaching professionals, and all other persons connected with the school. They may establish criteria for admission to the programs and dismissal from the programs. Dismissal reasons used in many programs for the Mentally Retarded in Ohio may include a child not being toilet trained, not having good behavior and many of the things that programs for mentally retarded children were originally established to teach. These boards may place issues on local Levy's and has sole responsibility for spending all moneys in their budgets. These boards may establish criteria for public participation in board meetings that prohibit any one with a problem from being heard.

The schools themselves are all segregated. They are separate structures built usually in rural parts of counties. There are no non-handicapped children in these programs and there is little emphasis but on mainstreaming. Mainstreaming is all but impossible because of the transportation problem that would occur if a child was to be only partially mainstreamed.The staff in these programs as I mentioned does not have to be certified in the area in which they are employed. In one case a teacher of Developementally Delayed, multiply-handicapped were being educated by a beautician.

Some of these schools are now "Chartered" by the Ohio Department of Education. This " Charter" however does not give the Department od Education any real authority over the operations of and implementation of P.L. 94-142 . There have been paper agreements mentioned in the last two State Plans submitted to B.E.H. by the Ohio Department of Education. In the First state plane, the TMR population is hardly mentioned, in the seconf and most recent plan, an agreement is mentioned. Several people and agencies in Ohio including myself have ask for a copy of this agreement, but to date none has materialized.

In spite of all that I have just written about the TMR programs, there are positive aspects that the Ohio Department of Education could emmulate. First, these TMR programs can offer birth to death services to the TMR population and in many counties these services are a reality not just a pipe dream. There are early infant stimulation programs, family counseling, school programs, athletic programs, and workshop and residential programs for the older TMR individual. There is definately more opportunity for a continum of services without service gaps occuring in this system, than in the Department of Education. Once inside the system, a person can, with appropriate information about his rights, receive good and appropriate educational services to help him become productive.

7. In my opinion the System for Education delivered by the Division of Mental Retardation and the State of Ohio to the TMR population does in fact conflict with the provisions of P.L. 94-142. I have explained about placement being made based solely on I.Q. for example and about the lack of opportunity for integration with non-handicapped children. I have illistrated how a child who is placed on home instruction cannot receive an appropriate ammount of tutoring regardless of his needs, and I have explained that Due Process cannot be sucessfully used to protect the rights of the children in these programs. Let me again repeat, that the state of Ohio as a whole and school district as individual components of that whole , continue to receive P.L.94-142 for implementing all parts of P.L.94-142, at the same time that thousands of Ohio's handicapped children whose districts are receiving these moneys, continue to set in a segregated environment, receiving little or no related services, and without the protection of Due Process.

8. Let me restate the opening of my testimony. P.L. 94-142 is a good and reasonable law. The concepts individual education plans, Least restrictive environment, and free and appropriate education are not new. Most educators, most administrators, most state department of edu - cation have always gone about meeting the needs of handicapped children throught these means only on a less formal basis. P.L. 94-142 and its grant in aid program is established as it should be; as a reward to districts who are doing there best to provide educational opportunities to a difficult to educate population. I cannot diminish, nor will I attempt to claim that serving many handicapped children is an easy task. In many cases, the actual service may take many professionals and many dollars. I cannot and will not however place a restriction on the value of educational opportunities to any child. My own case, with my own child has proven to me that consientious people with special talents and skills, who really want to serve, can serv.

In Ohio, the problem seems to be that the people who want to serve, must serve at the discreation of administrators who choose not to serve. Teachers, related serviceses personel , local school administrators , as a whols from my experience, are excited about P.L.94-142 and want to make it work. They are held in limbo by an archaic and arbitrary system, with leaders who have long since lost there interest in children and who involved in powerplays and politics. How else can you explain why the Division of Special Education in Ohio would continue to promore a system of funding which has nothing to do with child need? How else can you explain statements like this one from the Director of the Division of Special Education for the state which appeared in a local newspaper in one of Ohio's largest cities:" Parents just want us to put eyes back into their children's heads". ? How can you explain refusing a parent the right to obtain five copies of State Standards for Special Education? How can you explain, the Head of Special Education in Ohio proclaiming ot parents in a public meeting that the State Plan has nothing to do with implementation and that its only an application for funds, and that parents should not make waves and risk terminating those funds. How can you explain a parent who has tried to contact every available program in the state about a program for her child, being told that if she doesn't like having her child at home, she should move were they " treat kids like this". I'm affraid that there is little you gentlemen can do to help us here in Ohio. You have provided us with a tool, the power and the voice to fight a battle for freedom for our children. If we can change the attitides of the bigots and biased few in our state who make policy, P.L. 94-142 can become a living , breathing statement here also.

Thank you.
Respectfully Submitted,
Sonya L. Mawhorter

Bell Plaza Building/42-40 Bell Boulevard/Bayside, N. Y. 11361/(212) 224-2999

Tourette
Syndrome
Association

Medical Advisory Board
Thomas Chase, M.D.
Arnold Friedhoff, M.D.
Robert Good, M.D.
Robert Katzman, M.D.
Arthur K. Shapiro, M.D.
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Melvin Yahr, M.D.
Honorary National Chairman
Dick Cavett

Lois Hammond
1033 Klondyke Road
Milford, Ohio 45150
July 12, 1979

Sonya Mawhorter
Statewide Parent Information Network
8 East Long Street, 9th Floor
Columbus, Ohio 43215

Re: Special Education Information

Dear Ms. Mawhorter:

We have many families in our Cincinnati chapter experiencing educational difficulties, due to the bizarre manifestations of the neurological disorder, Tourette Syndrome.

In short time we will be branching out into the State of Ohio and anticipate many more problem areas.

We need any type of educational material that will be helpful to the parents. We intend to distribute the material when a problem is encountered. Presently, in Cincinnati we have about five families already experiencing difficulties and do not have the facilities, nor the funds to copy educational material for them.

I have written to the Ohio Department of Education requesting at least 5 copies of the "Standards for Special Education" booklet, however they have advised that they cannot provide me with a large quantity. I have one copy that originally was received from SERC.

Barry Cohen sent several copies of the Ohio Legal Rights Service manual "Securing Educational Services for Handicapped Children" and suggested that I might be able to secure additional material for distribution by writing to you.

Any help you can give will certainly be appreciated.

Sincerely,

Lois Hammond,
State Director
Tourette Syndrome Assn.

Member: National Committee for Research in Neurological Disorders. All contributions are tax deductible and will be gratefully acknowledged.

OVERSIGHT HEARING

EDUCATION FOR ALL HANDICAPPED CHILDREN ACT OF 1975

JULY 19, 1979

9:30 a.m.

Dirksen Senate Office Building

TESTIMONY

JUDITH A. BRUNS

July 1979

Judith A. Bruns
RD #2 SR #13
Huron, Ohio 44839
419-433-4351

## PROBLEMS IN SPECIAL EDUCATION IN ERIE COUNTY, OHIO

1 Brief background on our handicapped son.

2 They have all levels but Middle School for the handicapped.

3 The structure of command is so spread out that it is almost impossible to find who to take it to because of the run around you get.

4 IEP's were written and set. Parents are shown and asked to sign. Parents are told this is it, and are not allowed any input.

5 The school never tested any of the children in the program from the orriginal test to place them in the program until this year when I threatened them with a lawyer.

6 Our son has a reading problem and needs special help. He is not getting it. He can learn verbally. We are told he has to learn to read well to get through school.

7 They did not furnish a speech or physical therapist for a large part of last year.

8 Our children need education before therapy. They get the therapy scheduled and then the academic classes around it.

9 The children have had a continual lack of education due to the many problems with the program and teachers.

10 Our children are not allowed on the school playground. If they get to go outside, they have to play in a driveway.

11 Our children only got to participate in actual participation in 1 out of 6 school programs during the 1978/79 school year.

12 The school has so much disreguard for our children that they even take their christmas tree away to use someplace else.

(PROBLEMS IN SPECIAL EDUCATION IN ERIE COUNTY OHIO CONT)

13 Our administraters are more concerned with how they look on paper than with our childrens education. We shouldn't complain. We should be glad for what we have. If we complain we will lose our classes that are together and end up with a worse program.

14 Our son was supposed to have music according to his IEP. Our son was the only student not to get music. He was the only student in the school barred from the big program of the year.

15 They are not mainstreaming our children like they should. Without a Middle school class they are putting our children in the position of not being able to be mainstreamed.

16 The bussing program is so messed up there are students having to ride two hours one way. They are endagering children for weeks until a minor accident that could have been serious happened. Then they corrected it.

17 They have continually given us problems with our sons bussing and now refuse to pick him up for school or transport him at all.

18 The letter about me full of half truths. Not one is complete.

19 The harrassment of the children is terrible. Can explain.

20 There are more problems. I can explain. Also, did not make our house payment yet this month so I could come here.

Note: Additional detailed material may be found in the files of the Subcommittee on the Handicapped.

Linda J. Wade
221 Moore Ave
Bellevue, Ohio
44811

Senator Jennings Randolph
Chairman Sub committee on the Handicapped
United States Senate
Committee on Labor and Human Resources
Washington D.C. 20510

Received
Date
Subcommittee on
The Handicapped

Dear Sir

As a parent of a handi-capped child I have great concern and empathy for other parents of handi-capped children. The majority of the parents I know that have handi-capped children, have their children in school. It always saddens me to hear of handi-capped children who are not in school and going unserved, but I am more deeply affected when I hear of a handicapped child that is in school and is going unserved, as is the case of my own child.

My child does not sit in a wheel chair nor does she use sign language or read braille with her finger-tips. My child has an invisible handi-cap, that handi-cap is a learning disability

P.L. 94-142 mandates that my child receive a free appropriate public education. To date my child has not received this free appropriate public education.

When I was in Washington D.C. on July 19, 1979 at the oversight hearings on P.L. 94-142 I received questions on FAPE, IEP, LRE. Enclosed you will find my answers~~ing~~ and I would like to thank you for the opportunity to answer them. I hope that the answers will be of assistance to all that are involved.

Sincerely
Lynda J. Dale

Note: Additional material may be found in the files of the Subcommittee on the Handicapped.

Lynda J. Dale

351 McCAE Ave
Bellevue Ohio 44811

**IEP Questions**

1. We do not feel that our daughter has an IEP at this time. The 1979-80 IEP as prepared by the schools we did not feel was appropriate, so we would not sign it. After repeated attempts to resolve our differences it has been necessary to request an Impartial Due Process Hearing.

2. Our only opportunity to be involved in the developement of our child's IEP was for about 15 min. during the Annual Review. We were shown the IEP as prepared by the school for the first time at that meeting and then told we could offer any suggestions about additions or changes, but that they had to be approved by the school system representative. It was not possible in a 15 min. meeting which also included the review of last year to be able to prepare or document any changes or additions to next years IEP. We were notified 15 days in advance of the meeting as required, but we were not given any information as to what was being prepared.

3. We do not know who was on the IEP Developement Team or even if there was one. The Special Education Teacher, Regular Class Room Teacher, School Principle, and School System Psycologist were at the IEP Conference, but who contributed and to what extent we do not know.

4. No, our school system does not coordinate with any social service agency which might provide related services or other assistance which might be included in our child's IEP.

5. The IEP Conference was scheduled for during the school day which meant that anyone who was working at that time had to take time off from work to attend. The IEP was completely prepared by the school prior to the meeting and then presented to us for our approval. We were not able to actively participate in the developemnet of the IEP.

6. The 1979-80 IEP (see attached) was written as vaguely as possible. It did not address either our child's unique needs or plans for the 1979-80 school year. When asked about detailed information as to programs for next year, the answer was that noone knew what our child would be doing next year. Our child is going from elementary (6th grade level) to Jr. High (7th grade level) and no one at the elementary school had even made an attempt to find out what classes or subjects she was to be assigned at the Jr. High. There was no one present from the 7th grade level to assist in the preparation of an appropriate IEP for the coming year.

7. There are no follow-up procedures to ensure that goals and objectives of the IEP are being carried out in the classroom because the goals are so vague that they can not be measured.

8. Yes, because the IEP was written in accordance with the services and programs that were available rather than the needs of our child.

9. No, when the school system is only willing to meet the letter of the law section 121a.346 of P.L. 94-142 dated August 23, 1977 is so vague that they are able to write anythingor nothing and say that they have complied with the law.

Lynda J. Dale continued

10. Handicapped children are "dumped" into the regular classroom because the program administrators have not taken the time to properly prepare the regular classroom teacher. There is very seldom an organized in-service training program, or classroom assistance program. The "dumping" of handicapped students in the regular classroom normally occurs when it is financially benefical to the school system, or the administrative staff are not capable of developing a coordinated program.

FAPE Questions

1. A "free appropriate public education" is one that takes into account the unique requirements of each handicapped child in an attempt to assist that child in learning to that child's maximum potential. This is done without added monetary expense to the parents above that which would be spent to educate a nonhandicapped child.

2. Handicapped children in our school district are not denied admission to any program which is available to nonhandicapped students. However, while "normal" students are asked to join special programs; ig. band, a handicapped student must actively seek the opportunity to participate. The school administration subtly discourages the participation of any child which is less than "normal" from participating in any special programs.

3. There has been an increase in quantity of school services only because certain designated line item funds for handicapped education has been made available, and these funds can not be absorbed into the general fund. The school district has made little if any attempt to improve the quality of special education in compliance with the spirit of P.L. 94-142.

4. In our school system children are identified, diagnosised, and placed in accordance with the needs and openings in current school programs. The same person does all three steps in order to keep Special Education Units full. Because of maximum size by State Law on units for special education, identification, diagnosis, and IEP's are not done until there is either an opening in a unit or until it is time to apply for additional units or funds.

5. In our school district we are not aware of any limitations on reimbursement that parents may receive for private school placement or related services as long as such placement or related services are approved in advance by the school district.

6. The majority of school teachers we have dealt with have a desire to assist the child, but because of lack of information, training, materials, and most of all administrative support and leadership, the teachers are confused and frustrated. The overall effort of school administrators is very poor whether because of ignorance, incompetance, or gross negligence they do all they can to negate the spirit of P.L. 94-142 in providing a handicapped child with a "free appropriate public education."

Lynda J. Dale continued

10. The attitude of the administrative personnel, the knowledge and training of the regular classroom teacher to understand and deal with specific handi-caps, and the understanding of the parents are all so poor that the IEP can not be properly prepared or implemented. The detailed information necessary to make a proper IEP is a point of contention between all parties, Because of this lack of regulations which define the detailed content of the IEP. A major improvement to increase understanding, reduce friction, and assist the child's education would be detailed regulations on IEP content.

11. No partion of our child's IEP dealt with related services, although she was provided with special transportation [redacted].

12. I would develope regulations which would give detailed content and designated responsibility so that all parties would know what is to be included in the IEP and whose primary responsibility it is to develope each portion, and then whose responsibility it is to assure implementation of the IEP.

LRE questions

1. A child's placement should be in the best interest of that child for social and educational development. This should include as much interaction with non-handicapped children of the same age as possible. It is recognized that there are times when segregation must occur when the severity of the handicap causes the actions of the child to be completely disruptive of the normal educational environment necessary for the other students in the classroom. Such segregation should only be as a last resort.

2. Our child s program has been changed from one of total segregation to that of maximum regular classroom instruction.

3. Our child receives all of her subjects in the regular classroom and then goes to the special education class room for additional assistance.

4. All activities.

5. No, the nature of our child's handicap is such that while she can accomplish regular classroom work she can not do so in the normal time period allowed. This means she must do only partial work on each idea presented or in order to complete all tasks required she must skip over certain ideas that are presented.

6. The regular classroom teacher receives neither special assistance, special training, or special materials in order to develope or conduct an appropriate Individualised Program for our child in the regular classroom.

7. The regular class size is approximately 30 students, while the special education class has a maximum size of 10 students.

8. There has been some problems with nonhandicapped students not accepting handicapped children, but these problems are normal with the age group and in most instances corrected by the teacher when such problems come to their attention.

9. The regular classroom teacher provides the majority of educational services for our child. We do not know what portion is designated to the special education teacher because there are no responsibilities designated in the IEP. Our school system does not have classroom aides.

Senator **Stafford**. Now the Chair is going to ask the next panel, Mrs. Donna Carpenter from Barre, Vt., and Mrs. Mary Fryer of Oregon, if she is here.

I am going to be parochial enough to state my personal pride in having Mrs. Carpenter here before this committee. By the action of geography, we are both from Vermont. I know you are from Barre, and the parent of a 9-year-old boy named Jeremy, and you have been active in the advocacy programs in Vermont. And I am very happy to have you here, and to submit testimony to the subcommittee.

## STATEMENT OF MRS. DONNA CARPENTER, BARRE, VT.

Mrs. **Carpenter**. Thank you, Senator.

I am Donna Carpenter. I have come here today from Barre, Vt. It is my privilege to share with you my experiences as the parent of an 8-year-old retarded child. Not unlike most parents of handicapped children, seeking my son's education has given me a variety of experiences.

When Jeremy was born, my husband and I received the news that Jeremy had Down's Syndrome and would be mentally retarded. We immediately knew the suggested institutions were not the route we would take. It seemed natural to us as young parents to accept the challenge of giving Jeremy every opportunity for a full and useful life.

One of the most meaningful early steps we took was to join an ARC, or Association for Retarded Citizens group. Throughout the past 8 years this organization has supported and sustained us in the challenges we have faced relating to services for our child and the numbers of handicapped children we advocate for.

Recognizing the great importance of early intervention, we sought Jeremy's first educational experience as soon as we realized our limitations for stimulating Jeremy at home. We were most fortunate that our community offered an informal half-day preschool program for handicapped children. Interestingly enough, that program, a prerequisite for today's early essential education, was started not through educational channels, but by parents of handicapped children who founded this program in a church basement. Thus began the first chapter in my son's special education. Jeremy spent 2½ years in this first program. How good it seemed to measure his progress during that time. How well I remember also the times I would drop him off at the church and rush to the State capitol 10 miles away to listen to the members of the Vermont Legislature design a law to provide more adequate education for Vermont's handicapped.

By the age of 6, Jeremy had outgrown the preschool program. We turned to our local school system for help in providing the next step. Our experience at that time has fortunately become history for us along with many others. The rumors were that within 3 years local school systems would have to provide appropriate education for handicapped children. In 1976, ours was not ready. Meanwhile, we were invited to place Jeremy in a private kindergarten. That experience was a total failure for our son. Without an individual education plan to provide speech therapy, periods of 1-to-1 training, adaptive physical education, and other crucial parts of special education the cost to us was an angry, frustrated child. While the concept of least-restrictive education was tried, it actually became most restrictive. The system was not ready, and our child was once again without an educational program. Our school system went back to the drawing boards, we went back to the legislature to holler for funds and implementation, and our son went off to a residential school.

Jeremy spent 1½ years at Cardinal Cushing School in Hanover, Mass. Today I wonder how we managed to make the 8-hour roundtrip every third weekend to bring Jeremy home and back. The drain on my family, and in particular, my other two children, was surpassed only by Jeremy's success at Cardinal Cushing School. Jeremy excelled in all the skills necessary to prepare him for return to home and the appropriate educational setting.

Finally, in April 1978, through application of Public Law 94-142, and much preparation by Vermont's Department of Special Education, our local school administration and staff, Jeremy was successfully mainstreamed into a first-grade classroom in our local elementary school.

Parenthetically, I might add, this is a 1,100-student-population school where all children are bused. My son happens to be the first retarded child to be integrated into a regular classroom there. This setting which is the most appropriate and least-restrictive placement for our child is a model of which we are extremely proud. We owe this success to a finely tuned educational plan with all component parts in place, the availability of funds to implement the plan and the desire of our school personnel to make it work. In fact, as Jeremy looks ahead to entering a second-grade classroom this fall, with the support system in place, and his contract or individual education plan ready, his education is not markedly different from his 10-year-old brother in the same school.

Public Law 94-142 has given us the mandate to ask and receive the most appropriate education for our child. I could dedicate my entire allotted time today to tell you how pleased I am with my son's success, and about what a difference it has made in my family's life, but I feel there are more important messages I must leave with you. While my son's present story is one of success, one could also fill these halls with dissatisfied and disillusioned parents and parents who do not know, or do not care about the services available, and parents who are just plain too tired to fight one more battle.

Children with special needs are a very real special interest group. Their stature is not yet at the point where services are going looking for consumers. These children are just beginning to be let out of the back of the bus. There is a movement underway, and what is needed now is momentum.

In terms of things which cannot wait we must stop measuring services for the handicapped by what is required by law, and by what each State chooses to provide as funds are available. Today, four-fifths of Vermont's handicapped preschoolers are not receiving appropriate special education. Crucial early education has taken a back seat to other mandated programs. One cannot measure human progress in terms of dollars. What later price do we pay for the lack of education in the early years?

No elaborate education plan will work for any child without properly trained staff to carry it out. Special training must reach every educator if quality appropriate education is to be available to all children.

To be more specific, I would like to leave the following recommendations with you this morning:

No. 1, substantially increase the availability of technical assistance and inservice training to existing classroom teachers and administrators and require curriculum modification in existing degree-granting programs to insure that all educators are familiar with Public Law 94-142.

No. 2, provide Federal incentives for support professionals such as speech, language, physical and occupational therapists to encourage these people to work in the more economically disadvantaged and rural areas of the country.

No. 3, assist and encourage national advocacy programs to aid parents in learning about and obtaining the services that are necessary for their children.

No. 4, recognize the importance of Public Law 94-142 by adequately funding its full implementation.

Thank you.

Senator STAFFORD. Thank you very much, Mrs. Carpenter.

I take it from your prepared testimony that your child has received a written IEP; is that correct?

Mrs. CARPENTER. Yes. I wish I could have brought it, but I was told I was not allowed to due to confidentiality.

Senator STAFFORD. Would you briefly describe the concepts included in your child's IEP?

Mrs. CARPENTER. Jeremy is mainstreaming 89 percent of the time into a regular classroom. He has a tutor who spends 1-to-1 time with him. While this is done, other children in the classroom are working in groups, so the feeling is one of being a part of the classroom at all times. And he is mainstreamed in physical education and lunch, and other activities of the class.

And I might add that I am very, very pleased at the acceptance level of the other children.

Senator STAFFORD. How much have you and your husband been consulted in any IEP your son has had?

Mrs. CARPENTER. Totally. Yes; we have had all kinds of input.

Senator STAFFORD. That is very good. And your testimony has been very helpful to us on this subcommittee in furthering our efforts to see that handicapped children do get the adequate appropriate education they are entitled to.

We will see that the other members of the subcommittee read the testimony you have given us this morning.

Mrs. CARPENTER. Thank you very much.

Senator STAFFORD. Thank you.

I do not know if the chairman has questions to ask or not.

Senator RANDOLPH [presiding]. I think we might best give you questions, and you respond by writing. Would that be agreeable?

Mrs. CARPENTER. Very agreeable.

Senator RANDOLPH. Thank you very much.

[The information referred to follows:]

[illegible]
7-7-79

RD #2 Mountain View Drive
Barre, Vermont 05641
July 31, 1979

United States Senate
Committee on Labor and Human Resources
Subcommittee on the Handicapped
Dirksen Senate Office Building
Washington, D.C.

Dear Senator Randolph:

It was truly a pleasure for me to testify on behalf of PUBLIC LAW 94-142 on July 19, 1979. As the parent of a handicapped child and an advocate for good education for all the nation's handicapped I feel the input you receive from consumers will be most beneficial in your understanding of the impact of the law and areas which we need to continue improving.

I am enclosing my answers to the questions I received regarding PL94-142. I was assisted in answering some of the questions about my local school district by Mr. Robert Stanton, Consulting Teacher, Barre Town School, Barre, Vermont. I will be away on vacation until August 30, but Mr. Stanton has assured me he will be willing to answer further questions you may have about our school district's services.

May I again offer my appreciation for having the opportunity to share my experiences regarding my son's education. I look forward to good things in the future of services to the handicapped.

Most sincerely,
Donna Carpenter
Donna R. Carpenter

DONNA CARPENTER - QUESTIONS

1. YOU EXPRESS A BELIEF THAT AN EDUCATIONAL PROGRAM OFFERED BY YOUR LOCAL SCHOOL DISTRICT AS A "LEAST RESTRICTIVE" ALTERNATIVE WAS ACTUALLY "MOST RESTRICTIVE". CAN YOU ELABORATE ON THAT POINT FOR US?

2. DO YOU FEEL THAT YOUR SON'S PLACEMENT IN A PRIVATE RESIDENTIAL SCHOOL WAS IN ANY WAY BENEFICIAL TO HIS LATER ADJUSTMENT IN PUBLIC SCHOOL? IF SO, IN WHAT WAY?

3. IN YOUR OPINION AS A PARENT, WHAT TYPE OF PRESCHOOL PROGRAM IS MOST SUITABLE FOR PREPARING YOUR CHILD FOR INTEGRATION INTO A SUBSEQUENT LEAST RESTRICTIVE EDUCATIONAL PROGRAM?

4. WHAT IMPACT HAS PUBLIC LAW 94-142 HAD TO DATE ON THE QUANTITY AND QUALITY OF PRESCHOOL SERVICES PROVIDED BY YOUR SCHOOL DISTRICT?

Donna Carpenter - Questions

1. The program I referred to was a private kindergarten which my local school district located for me. They had no control over what happened in that classroom because it was located in a private home. I referred to the program as "most restrictive because my son was placed in this structured program with no preparation. His skills were not developed enough to allow him to participate with the other children. The teacher had no previous experience with retarded children and she allowed my son to wander about the classroom freely and he was not encouraged to interact with the other children's activities. The setting was "most restrictive" to his achieving any learning because there was no support system or IEP.

2. Jeremy's placement in a residential school was beneficial to his later adjustment to public school in that the concentrated total living and education programs were of the highest quality and he responded well to his first real opportunity to learn. The residential school worked toward the goal of placing Jeremy into a "least restrictive environment" when he returned to the local school district.

3. In my opinion as a parent, in order for my child to be successfully integrated into a subsequent least restrictive environment the pre-school program I would choose would have to include a somewhat structured program with much emphasis on self-help skills and motor development. I would stress the importance of behavior modification principles. Stressing the concept of "Normalization" the program would have to include a great deal of exposure to the community and other children.

4. The quality of pre-school services in my school has definitely improved since 94-142 has been implemented. The improvement in quality has been due to increased awareness of the imporance of early education and the movement to prepare children with handicaps for regular classroom participation in future placements. I would have to say the quantity of pre-school services has not improved since 94-142 because funding in that area is not available to increase services.

## QUESTIONS

### IEP QUESTIONS

1. Does your child have an IEP?

2. At what stage in the development of the IEP were you encouraged to become actively involved? How were you notified?

3. Who comprised the IEP development team for your child? Was the special education teacher involved in the development of the IEP?

4. Were any social service agencies which might provide related services to your child involved in the development of the IEP?

5. Were your child's IEP conferences scheduled during regular school hours? Did you participate actively in the development of your child's IEP?

6. What, if any, problems did you encounter as a parent in the development or implementation of your child's IEP?

7. What follow-up procedures were used to ensure that the goals and objectives of the IEP were actually carried out in the classroom?

8. In your opinion, were the services of your child's school adequate to implement the provision of his IEP?

9. Do you feel the IEP requirement stipulated by Public Law 94-142 has affected the quality of the educational services available to your child?

10. In your opinion as the parent of a handicapped child how might the process of developing and implementing IEP's be improved?

11. What proportion of your IEP deals with related services, such as transportation, physical therapy, etc.?

12. If you were given the opportunity to amend the Federal regulations which govern the IEP, how would you change them?

DONNA CARPENTER - ANSWERS

IEP QUESTIONS

1. Yes, my son has an IEP.
2. In our particular case, we were very much involved in the development of our son's IEP from the beginning. We approached our local school district to enroll our son and we were encouraged to participate in the IEP development process. There was written notification that the IEP would take place.
3. The IEP development team for our child consisted of the classroom teacher, the consulting teacher, the assistant principal, the speech pathologist and the parents. Representatives from the guidance and physical education departments were there to relate their services. At our request, our son's former teacher was there to participate in the IEP development.
4. No, social service agency participation was not necessary in our case. I feel they are included in our cases when the involvement is there.
5. Yes, the IEP conferences were held during regular school hours. Yes, we actively participated and continue to participate in the IEP process.
6. We did not encounter any problems with the development of our son's IEP. All of our son's needs were met in the plan.
7. Frequent monitoring of the goals and objectives of our child's IEP by ourselves and the teachers helped to see that it was accurately carried out.
8. The services of our child's school were adequate to implement the provision of his IEP. I am concerned however that as the numbers of children being adequately served increase that the services may not increase proportunately or as quickly.
9. I feel that the IEP requirement has enhanced the quality of the educational services available to my child in that there is certainly a continuum of each component part of the education plan and documentation of what has actually been accomplished and what needs to be planned for the future IEP.
10. The IEP could be improved through more efficient use of testing and time. The child is sometimes misplaced during the time it takes to develop and implement the IEP. I feel that improved teacher training will eliminate this problem.
11. None of my son's IEP deals with related services as his needs are all met within the schools services. Other children in the school are in need of various degrees of related services and the school cooperates if needed in obtaining the education related services.
12. If I could amend the Federal regulations which govern the IEP process I would:
    1.) Encourage educational testing that will determine eligibility and provide a basis for program development.
    2.) Notification of changes in educational placement and revision of annual program goals is crucial, but notifying parents of every IEP meeting and having all providers present is too cumbersome.

## QUESTIONS

### LRE QUESTIONS

1. What do you understand the requirements of Public Law 94-142 to be regarding the placement of handicapped children in least restrictive environments?

2. What changes have occurred with respect to the placement of your handicapped child in a least restrictive environment as required under Public Law 94-142?

3. Does your child spend any part of his day in a regular classroom?

4. For what activities is your child included in the regular class program?

5. Do you feel the time spent in the regular class is appropriate to your child's educational needs?

6. Do you know whether the regular class teacher receives any special assistance or materials in order to develop an appropriate individualized program for your child in the regular class?

7. What are the differences in class size between the regular class and special education class your child attends?

8. Have there been any problems with nonhandicapped students accepting handicapped children in the regular classroom?

9. Who is providing the majority of educational services for your child? Do you know what proportion of his educational program is the responsibility of a
    - --special education teacher,
    - --regular class teacher,
    - --classroom aide?

10. How would you respond to the concern that some handicapped children are being "dumped" into regular classrooms and thus are receiving fewer educational services than would be provided in self-contained classes or residential settings?

## DONNA CARPENTER - ANSWERS

### LRE QUESTIONS

1. To me the basic premise of "least restrictive environment" is that a handicapped child should be in a normal classroom setting unless it can be well documented that his educational process will be jeopardized by such a placement; not as in past times when the presumption was that a handicapped child should be in a special classroom setting unless it can be well documented that he doesn't belong there.
2. Our child happened to be ready for school at the time when 94-142 was beginning to be implemented; therefore our school was ready and his placement was made without great difficulty.
3. Our child spends all of his school day in a regular classroom setting except while attending speech therapy and adaptive physical education.
4. Our child participates in the same activities as the rest of the regular class only his textbooks, workpapers etc. are geared to his abilities.
5. Emphatically yes! We happen to believe that a great deal of our son's education comes not only from his teachers and class activities but from inter-action with his peers.
6. The regular classroom teacher is assisted by a tutor who spends approximately 50% of her time directly with our son either working with him in a one to one basis or in small groups. Special educational materials have also been provided the regular classroom teacher and the consulting teacher is available to provide whatever assistance or guidance may be needed.
7. Regular class - 1 teacher (1 aide for every grade level)
   - average class size is 21 - 26 students

   Special Ed. Level 3 - 1 teacher, 1 full time aide
   - average class size 8 - 15 students
8. There have been few problems in the lower grades with acceptance of handicapped students by nonhandicapped students. This is probably due to good teacher attitude, special ed. support and parent involvement. Upper grade students have experienced some ridicule from peers for needing special help.
9. Responsibility for my son's educational program is shared by the special educator, teacher, aid and sometimes by me. The IEP manager is responsible for the coordination of the basic staffing team to insure the IEP is implemented and evaluated on an ongoing basis. The specific responsibility of each team member is outlined in the IEP.
10. Unfortunately, I find it believable this situation does exist. My concern is that apparently there is one segment of the public/educators who is determined to show what a terrible philosophy "least restrictive environment" is, no matter what has to be done to prove it. Granted, there may be fewer educational services in a regular classroom then in a segregated classroom and there probably are fewer educational services than in a residential setting, but these are only pieces of the total picture and before a parent decides what type of placement is appropriate for his child, he had better consider all the options.

## QUESTIONS

### FAPE QUESTIONS

1. What is your understanding of the term "free appropriate public education?

2. As a parent of a handicapped child can you tell us what, if any, programs are offered by your school district to nonhandicapped children but not to handicapped children?

3. What impact has Public Law 94-142 had to date on the quality and quantity of school services provided the handicapped by your school district?

4. Since the enactment of Public Law 94-142 what progress has been made and what problems remain with respect to the identification, diagnosis and placement of handicapped children?

5. To your knowledge are there any state or local limits on the amount of reimbursement that parents may receive for private school placement or for cost of related services? If there are such limitations, do they conflict with the requirement in Public Law 94-142 that a free appropriate education be provided to every handicapped child between the ages of 5 and 18?

6. As a parent of a handicapped child, how would you rate the overall effort of school administrators and teachers in providing your child with a free appropriate public education?

## DONNA CARPENTER - ANSWERS

**FAPE QUESTIONS**

1. The "appropriateness of a public education is not to be dependent on any financial considerations from the handicapped child's parents.

2. My school district does not offer any services to nonhandicapped children that are not available to the handicapped children.

3. PL 94-142 has had the following impact on the quality and quantity of services for education for the handicapped in my school district of 1100 students:

| SERVICES PRIOR TO 94-142 | SERVICES PROVIDED SINCE 94-142 (1978-79) |
|---|---|
| approx. 100 children served | 200 children served |
| **STAFF** | **STAFF** |
| 2 consulting teachers<br>1 speech pathologist<br>no administrative director<br>6 aides<br>1 special ed. class | 3 consulting teachers<br>1 speech pathologist<br>½ time administrative director<br>10 aides<br>1 resource teacher<br>1 compensatory early ed. position |
| **PARENT INVOLVEMENT** | **PARENT INVOLVEMENT** |
| ? | summer school - home tutoring<br>all parents involved in IEP development at some level |
| **TEACHER INVOLVEMENT** | **TEACHER INVOLVEMENT** |
| minimal<br>attitude poor-rapport with special services not good<br>communication poor - trust level low | summer school training program-14 teachers<br>graduate courses in special ed.<br>workshop IEP development - all staff |
| **ADMINISTRATIVE SUPPORT** | **ADMINISTRATIVE SUPPORT** |
| no real involvement in the program | has improved tremendously from superintendent on down - has improved tremendously as a result of 94-142 |

- Financial data can be obtained if that information is requested by the committee

FAPE (answers D. Carpenter cont.)

4. Progress that has been made since 94-142 has been enacted has been:
   1.) School boards, administrators , teaching staff and parents are more aware of their responsibilities as they pertain to the education of the handicapped child.
   2.) Parent involvement in the IEP process has increased.
   3.) Mainstreaming has become a reality in some school districts.
   4.) Quality and quantity of special ed. services has improved.
   5.) Attitudes of teachers, parents and "nonhandicapped" children have improved with regards to their acceptance of handicapped children and their right to a FAPE.

   Problems that exist since 94-142 has been enacted include:
   1.) Inservice training is needed for all school personel
   2.) Parents and teachers must become more involved (parent training needed) in the area of IEP.
   3.) Coordination is needed within the school to facilitate the development of a comprehensive special education program that will meet the needs of all handicapped students.
   4.) Coordination between public school and outside agencies must be handled carefully to insure efficient and effective program results.
   5.) Every school district must be capable to provide or contract for a full compliment of quality special ed. services.
   6.) Financial support must be provided by the federal, state and local district or 94-142 will fail. Local districts will have to assume greater financial responsibility in the future.

5. To my knowledge there are no state or local limits on the amount of reimbursement that parents may receive for private school placement or related services.

6. I would say that our local school administrators and teachers have made a very commendable effort in providing our child with a free appropriate public education.

Senator **Randolph**. Our next witness, Senator Stafford, was Mrs. Mary Fryer from Oregon. She was to have had the opportunity to meet Senator Hatfield. He came by this morning. But as of this moment, we are just not sure where Mrs. Fryer[1] is. She has not appeared.

But we do have her statement.

Senator **Stafford**. Yes.

Senator **Randolph**. Thank you very much. Was that your constituent?

Senator **Stafford**. Yes.

Senator **Randolph**. Thank you very, very much.

Senator **Randolph**. Senator Riegle, who wanted to be present, has said to us that he must be in Michigan today to be present at hearings. He attaches this statement, and indicates that Margaret Chmielewski is testifying. And he says that she is Miss Wheelchair America.

[The opening statement of Senator Riegle follows:]

## OPENING STATEMENT OF SENATOR RIEGLE

Senator **Riegle**. Mr. Chairman. Unfortunately, I must be in Michigan today and am unable to be present at the hearings.

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[1] Mrs. Fryer was rescheduled as a witness for Oct. 1, 1979.

However, because of the importance that I attach to the full and speedy implementation of Public Law 94-142, I want to take this opportunity to say how gratified I am that this subcommittee is demonstrating its commitment to achieve that goal. The significance of Public Law 94-142 and the hope that its enactment brought to millions of American children and parents cannot be overstated.

Also, I am delighted to know that Mrs. Margaret Chmielewski the reigning Miss Wheelchair America, has graciously accepted the subcommittee's invitation to appear here today. She is a resident of Canton, Mich., and a teacher at Madonna College in Livonia, Mich. At my last meeting with her, I was very much impressed by Mrs. Chmielewski's intelligence, determination, and courage. I am quite sure that her testimony will be most beneficial. I extend my heartiest thanks and warmest regards to her.

Senator **Randolph**. Margaret Chmielewski.

## STATEMENT OF MS. MARGARET CHMIELEWSKI, MISS WHEELCHAIR AMERICA, CANTON, MICH.

Ms. **Chmielewski**. Yes, sir.

Senator **Randolph**. How is that selection made?

Ms. **Chmielewski**. It is not a beauty pageant, it is based on poise and personality and achievements, and what you have done with your handicap since the onset of disability.

Senator **Randolph**. How many contestants?

Ms. **Chmielewski**. Thirty-two States now have local pageants, and submit names of girls, and they go for a pageant, which is coming up in Columbus, Ohio, in 2 weeks.

Senator **Randolph**. Were there contestants from West Virginia?

Ms. **Chmielewski**. West Virginia, yes, but Vermont, no.

Senator **Randolph**. Well, I was just wondering if there were any of the 32 that were from the States of Vermont and West Virginia.

Ms. **Chmielewski**. And we also have Ms. Puerto Rico.

Senator **Randolph**. And you are a member of the teaching staff at Madonna College. Where is that located?

Ms. **Chmielewski**. Livonia, which is a western suburb of Detroit.

Senator **Randolph**. Senator Riegle says he met with you, and he was impressed with your intelligence and determination, and your courage, and that he welcomes your testimony.

And, of course, Senator Stafford and myself welcome you to the hearing. If you will proceed.

Ms. **Chmielewski**. Thank you, sir.

My comments for this testimony are based on my experience as an educator, a handicapped consumer, and this past year traveling as Miss Wheelchair America. I am completely aware of the controversy stirred by Public Law 94-142 with our educators. For the most part teachers see this law as adding to their already overburdened jobs. Essentially we are speaking of civil rights for everyone, including handicapped children.

What we have got to do is start training in the college education department where our teachers are trained. Madonna College, where I am on the teaching staff, has tried to integrate awareness of the law and awareness of handicapped students into the course work of all teacher education. Personally, I agree with this method,

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for if we begin to train our teachers that there is a difference in a child in a wheelchair and a child who is able bodied, then we are furthering our discrimination that handicapped adults have felt for a long time. We are dealing with an unfounded fear—a fear that the handicapped child will be so different. I recently heard a comment from a handicapped girl who said the teacher asked her if she slept sitting in her wheelchair.

When I was injured prior to my senior year of high school, my parents were simply told that I could no longer return to the regular classroom, because of my handicap. My senior year was therefore completed through the homebound teacher program, and I was not allowed to return to my school. This was not an unusual circumstance. Handicapped children at that time did not belong with able bodied in the school setting.

Loss of bodily function seemed somehow linked to loss of function in the classroom. The least restrictive environment has been a viable solution both for the handicapped child and our past discrimination. There are four areas which seem worthy of discussion:

No. 1, we are a society based on competition. We learn to compete as children. In school we learned to compete for grades, and scholastic achievement is a measurement of how well we have faced the competition. The handicapped child has, in the past, never known this competition. I met a cerebral palsy woman recently who said she was allowed to attend a regular high school. I asked her how she felt about being allowed to attend. She stated that, even though she was required by the school to keep an A average, she felt good now that she could compare herself to others of her age. The handicapped child has no comparison on which to base his academic progress. If he is told he is working on the sixth-grade level, it means next to nothing to a child who has never been in a sixth grade classroom.

No. 2, besides academic progress we are all aware of the socialization process. In fact, we would all agree that education is much more than reading, writing, and arithmetic. Education is a total learning process; it is a humanistic approach. Education is for a total person. This is so for the handicapped child as well as the able bodied. Peer groups are an extremely important component to the development of the child's integration into society. Friends mean just as much to a handicapped child as anyone else. We can no longer restrict these children to friends who are handicapped or no friends at all. This assimilation must start early if we expect them to grow into contributing members of society. In the past the handicapped child was restricted from social competition. He never knew what it was to run for a class office, because he had never been a part of that class.

No. 3, because the child has been now given the right to compare himself academically and socially, he has a clearer understanding of himself. Previously his self-concept may have been based on reflected appraisals based on what others told him.

If you are told you cannot do something, you will indeed believe you cannot do it. When I have spoken to groups of young handicapped children I have told them to like themselves. To me, it is like Mohammed Aii. He told me he was the greatest. He told me so many times that now I know he is the greatest. A good self-concept tells a handicapped child that he is likable and worthwhile.

No. 4, when the handicapped child is allowed a least-restrictive environment he can compare academically and socially to others his age and can find his self-image and will transmit this to the other children. Just as Mohammed Ali, he will feel good about himself. He can accentuate his abilities. The able-bodied children can learn to be accepting of people with limitations. Far too often that handicapped child is seen as a wheelchair or crutch rather than a person. We can hopefully sensitize our children at an early age. The crux of the issues faced by handicapped adults today lies in the area of awareness. Awareness is the key to understanding. The mind is like an umbrella, it cannot be used until it is opened.

Basic to this whole issue of Public Law 94-142 is that the handicapped child should be given, at the very least, the right to try. Whether he wins or loses is irrelevant. The fact that we gave him the chance to become is relevant. Public Law 94-142, as I see it, is not for handicapped children alone; it is for all children to learn to grow together without bias, and to accept each other for what they are—children. Thank you.

Senator **Randolph**. Senator Stafford, perhaps you have a comment?

Senator **Stafford**. I will comment only very briefly.

I noticed that Ms. Chmielewski's statement was brief, and that always appeals to us. So in the same period, let me say I thought it was an unusually impressive statement. In fact, I wish I had said it myself.

Ms. **Chmielewski**. Thank you.

Senator **Randolph**. Miss Wheelchair America, we are happy you came to testify at this hearing.

Ms. **Chmielewski**. Thank you.

Senator **Randolph**. I remember a long time ago when we were working on a program to bring the blind and partially blind into the mainstream of business enterprise. I remember one of those bureaucrats of an earlier day in Washington; we had to bounce the ball on his bureaucratic head.

He said: "I have compassion, but, you know, these people can never do these jobs." But I remember at the hearing in 1936, we said: "Let us give them a chance, let us try it out, and let us see how it works." And now, I believe there are 3,900 of these blind persons doing what was said could not be done. And they sold over $200 million worth of items, articles, last year. And they average perhaps an income of $12,137.

There must be not only an awareness of what the handicapped can and want to do, but also an understanding that these are men and women, and young people who need our encouragement.

And as far as this subcommittee is concerned, we are going to be in there with you when the going is tough. We encourage you to believe that when you leave Washington and go back to your campus, that we are behind your testimony.

[The responses of Ms. Chmielewski, prepared statement of Senator Charles McC. Mathias, and additional material subsequently supplied follows:]

AUG 1 1979

MISS
WHEELCHAIR
AMERICA

Received
Date 8-1-79
Subcommittee on
The Handicapped

July 28, 1979

Dear Senator Randolph,

Enclosed please find the answers to the questions your staff provided me with upon completion of my oral testimony on Public Law 94-142 given July 19, 1979. I hope that my comments will be of some consequence to the Senate subcommittee.

If I can ever be of help to you again in the future, please do not hesitate to call.

Margaret Chmielewski

Margaret Chmielewski

Date of Original Testimony

July 19, 1979

1. What rationale was offered as the basis for your exclusion from school?

I was not allowed back into the classroom after my accident because there was a flight of stairs into the building and a flight of stairs to each floor of the school. The administration of the school thought it too difficult for me to have been carried by my classmates (17 year old boys). They also told my parents that I would create a disturbance by just being there. My father asked that perhaps a phone or video tape system could be set up between the classroom and my home. This was out of the question.

2. In your opinion, what changes mandated by Public Law 94-142 have been most important to the education of the handicapped?

The Individualized Education program and the concept of least restrictive environment are perhaps the most important changes brought about directly from 94-142. Also, as I stated in my previous testimony, academic comparison, social development of both the handicapped and able-bodied child, and development of self-concept and self-worth from integration are positive features.

3. As an educator and as a handicapped adult what, if any, problems do you see with public law 94-142?

First, I concur with previous testimony that the ages specified by the law should include "from age 0" for there can be no denial of the importance of the first three years of a child's development. Precious learning time is being lost with the law at this time. Second, ignorance of the law and its ramifications have produced problem areas. Our teacher training programs must be revised to include an awareness of this issue. The colleges and universities should integrate this awareness into coursework for certification and of course each state should require this knowledge for certification. In-service training should be begun for those teachers who now hold certification in the form of sensitivy training courses which should be required for any school district. This would, of course, include school administrations. It could be that the Education Associations could implement this. Third, ignorance on the part of parents of handicapped children is overwhelming. The obvious answer here too is awareness of the law and an active part on parental input to IEP. The school district should hold workshops for these parents and inform them of their rights. Fourth, there seems to be no outreach programs to find these children and parents. Promulgation of the law and implementation are vitally important if it is to be successful.

4. Do you know what kinds of special training are provided to regular classroom teachers who teach handicapped children?

As I stated in the above answer, I see this as one of the major problem areas. There seems to be no unified effort on the part of school districts to train the regular classroom teacher. Unless that person has had some special education courses or returned to school to update themselves, there is no special training. The Education Associations have published several very good booklets, video tapes and articles on this issue but until the training is regulated by certification there will remain the problem.

# TESTIMONY OF SENATOR CHARLES McC. MATHIAS, JR.

## BEFORE THE SUBCOMMITTEE ON HANDICAPPED

JULY 19, 1979

TO ANY HANDICAPPED CHILD, AN APPROPRIATE EDUCATION HOLDS THE PROMISE OF GREATER SELF-REALIZATION AND A MORE NORMAL LIFE. UNTIL RECENTLY, HOWEVER, SUCH AN EDUCATION WAS GRANTED CAPRICIOUSLY, IF AT ALL, AND OFTEN AT GREAT COST TO THE FAMILIES OF HANDICAPPED CHILDREN. CONGRESS RECTIFIED THIS INJUSTICE IN 1975 WITH THE PASSAGE OF PUBLIC LAW 94-142 WHICH HAD AS ITS PURPOSE THE PROVISION OF A FREE, APPROPRIATE PUBLIC EDUCATION FOR HANDICAPPED CHILDREN.

THE EDUCATION FOR THE HANDICAPPED ACT WENT A LONG WAY TOWARDS PROVIDING HANDICAPPED CHILDREN WITH WHAT ARE GENERALLY CONCEIVED TO BE FUNDAMENTAL RIGHTS IN OUR SOCIETY. ITS APPLICATION, HOWEVER, CREATED DIFFICULTIES WHICH ARE ONLY NOW BEING UNDERSTOOD.

FOREMOST AMONG THESE DIFFICULTIES HAS BEEN THE PROBLEM OF PROCURING ADEQUATE FUNDING. THE STATE AND LOCAL EDUCATIONAL AGENCIES WERE FACED WITH THE QUESTION OF WHAT LEVEL OF ADDITIONAL STATE AND LOCAL REVENUE WOULD BE NECESSARY TO PROVIDE FULL EDUCATIONAL SERVICES AND HOW SUCH REVENUE WOULD BE RAISED. IN ADDITION, THERE WAS A QUESTION AS TO THE LEVEL OF THE FEDERAL FUNDING COMMITMENT.

AT THE OUTSET, THE FEDERAL GOVERNMENT UNDERSCORED ITS COMMITMENT THROUGH ITS DECISION TO PARTICIPATE AS A MEANINGFUL FISCAL PARTNER WITH THE STATE AND LOCAL AGENCIES IN PROVIDING THE SERVICES MANDATED BY THE ACT. IN THE FIRST TWO YEARS UNDER THE LAW, THE FEDERAL GOVERNMENT CLEARLY LIVED UP TO THAT FISCAL PROMISE. MORE RECENTLY, HOWEVER, THE LEVEL OF FEDERAL SUPPORT HAS DECLINED IN RELATION TO BOTH AUTHORIZED LEVELS AND RECOMMENDED PERCENTAGES FOR FEDERAL PARTICIPATION.

THE POTENTIAL CONSEQUENCES OF THE FEDERAL GOVERNMENT'S FAILURE TO MAINTAIN THE FISCAL PROMISE OF P.L. 94-142 INCLUDE: AN INCLINATION TO BACK OFF FROM THE MANDATE, A TENDENCY TO FREEZE CHILDREN INTO THE REFERRAL PROCESS, AND AN ATTEMPT TO BURY THE MORE SERIOUSLY HANDICAPPED IN THE SYSTEM BECAUSE OF THE FINANCIAL CONSEQUENCES OF BRINGING THEM OUT. ONLY ABOUT HALF OF THE ESTIMATED FOUR MILLION HANDICAPPED CHILDREN ARE AT PRESENT BEING SERVED, AND IT IS DIFFICULT TO IMAGINE THAT NUMBER INCREASING AS FUNDING DECLINES. LOCAL OFFICIALS SHOULD NOT BE FACED WITH THE QUESTION OF WHICH PROGRAMS TO CUT IN ORDER TO MEET THE MANDATE AND WHICH OTHER STUDENTS TO PENALIZE SO THAT THE HANDICAPPED MAY BE SERVED.

THE BUDGET CUTTING HAS ALSO ADVERSELY AFFECTED THE PRESCHOOL INCENTIVE PROGRAM. THAT PROGRAM WAS DESIGNED TO ENCOURAGE STATE EDUCATIONAL AGENCIES TO DEVELOP FURTHER PRESCHOOL PROGRAMS FOR HANDICAPPED CHILDREN. WITHOUT THE AUTHORIZED LEVEL OF FUNDS, HOWEVER, MANY PRESCHOOL HANDICAPPED CHILDREN ARE FORCED TO DO WITHOUT NEEDED SERVICES.

A SECOND MAJOR PROBLEM WITH P.L. 94-142 IS A PROBLEM OF DEFINITION. THE PRECISE LEGISLATIVE INTENT OF P.L. 94-142 IS STILL NOT FULLY UNDERSTOOD, AND THE WORD "HANDICAPPED" IS A HIGHLY ELASTIC TERM. WHILE IT IS DESIRABLE TO RETAIN SOME FLEXIBILITY AT THE STATE AND LOCAL LEVEL, IT MAY BE HELPFUL TO DELINEATE MORE CAREFULLY SOME OF THE CATEGORIES OF LIMITS. THE ACTUAL PERCENTAGES OF HANDICAPPED CHILDREN SERVED RANGE FROM ONE TO 22 PERCENT.

THAT RANGE SUGGESTS A WIDESPREAD MISUNDERSTANDING AND MISAPPLICATION OF THE ACT BY BOTH STATE AND LOCAL AGENCIES. THE REGULATIONS ARE TOO COMPLICATED. PARENTS, LAYMEN, AND EVEN SOME EDUCATORS HAVE DIFFICULTY UNDERSTANDING ALL OF THE PROVISIONS.

P.L. 94-142 REQUIRES THAT LOCAL SCHOOL DISTRICTS DEVELOP AN INDIVIDUALIZED EDUCATION PROGRAM FOR EACH HANDICAPPED CHILD. THIS PLAN IS OFTEN INEFFECTUAL, HOWEVER, BECAUSE IT DOES NOT REALISTICALLY RELATE TO THE AVAILABLE RESOURCES AT THE SCHOOL. A MORE APPROPRIATE BALANCE IS NECESSARY BETWEEN DESIRED GOALS AND AVAILABLE RESOURCES.

THE ACT HAS HAD AN ADVERSE IMPACT ON FUNDING FOR PRIVATE SCHOOLS. PRIVATE INSTITUTIONS HAVE FOUND IT DIFFICULT TO OBTAIN FUNDS IN AREAS SUCH AS THIS WHERE THE GOVERNMENT HAS DECLARED PUBLIC RESPONSIBILITY. THE NEED IN THE PUBLIC SECTOR HAS BEEN SO GREAT THAT THE STATE AND LOCAL AGENCIES HAVE GIVEN VERY LITTLE TO PRIVATE CENTERS, WHICH OFTEN HANDLE CHILDREN WITH THE MOST SEVERE HANDICAPS. IN ADDITION, RIGOROUS RATE SETTING PROCEDURES HAVE RESTRICTED RATES TO SERVICES PROVIDED DIRECTLY TO THOSE STUDENTS CURRENTLY BEING SERVED. THAT LEAVES NO PROVISION FOR THE COST OF INNOVATION DESIGNED TO IMPROVE THE EFFICACY AND EFFICIENCY OF TREATMENT. IT MAKES OF PRIVATE INSTITUTIONS A "DUMPING GROUND" FOR THOSE WHO CANNOT BE SERVED IN PUBLIC FACILITIES.

ANOTHER PROBLEM WITH THE IMPLEMENTATION OF THE ACT HAS BEEN THE INADEQUACY OF TEACHER PREPARATION. P.L. 94-142 PLACES A VERY HIGH PRIORITY ON THE EDUCATION OF HANDICAPPED CHILDREN WHO HAVE NOT YET BEEN SERVED. THESE CHILDREN ARE OFTEN THE MOST SEVERELY HANDICAPPED. THE EMPHASIS IS ON PLACING SUCH CHILDREN IN THE LEAST RESTRICTIVE ENVIRONMENT POSSIBLE -- ON ASSURING TO THE MAXIMUM EXTENT APPROPRIATE THAT HANDICAPPED CHILDREN BE EDUCATED WITH CHILDREN WHO ARE NOT HANDICAPPED. BUT THAT CANNOT OCCUR SUCCESSFULLY WITHOUT ADEQUATELY TRAINED CLASSROOM TEACHERS.

I AM FULLY IN ACCORD WITH THE FUNDAMENTAL CONCEPT BEHIND P.L. 94-142. APPROPRIATE EARLY INTERVENTION CAN MITIGATE AND SOMETIMES REVERSE A DISABILITY, AND HANDICAPPED CHILDREN DESERVE THE CHANCE TO LEAD A NORMAL LIFE. THE DIFFICULTIES INVOLVED WITH THE IMPLEMENTATION OF THE ACT ARE ALL CORRECTABLE. AT A TIME WHEN TALK OF SQUANDERING OUR VITAL RESOURCES ABOUNDS, WE CAN SCARCELY AFFORD TO WASTE OUR MOST PRECIOUS RESOURCE -- OUR NATION's CHILDREN.

Senator **Randolph**. The next hearing, Senator Stafford and I have agreed, will be on Thursday, July 26, at 9:30 a.m. The room will be announced.

And be of good cheer. Thank you very much.

[Whereupon, at 11:55 a.m. the subcommittee recessed, to reconvene at 9:30 a.m., Thursday, July 26, 1979.]

# OVERSIGHT ON EDUCATION FOR ALL HANDICAPPED CHILDREN ACT, 1979

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THURSDAY, JULY 26, 1979

U.S. Senate,
Subcommittee on the Handicapped,
Committee on Labor and Human Resources,
*Washington, D.C.*

The subcommittee met, pursuant to notice, at 1:10 a.m., in room 4232, Dirksen Senate Office Building, Senator Jennings Randolph (chairman of the subcommittee) presiding.

Present: Senators Randolph, Stafford, and Boschwitz.

Senator **Randolph**. The subcommittee will be in order. We welcome our witnesses and our guests to this important hearing of the Subcommittee on the Handicapped of the Labor and Human Resources Committee.

We feel, especially Senator Stafford and I, as all members of the subcommittee, the subcommittee also including the Senator from Pennsylvania, Senator Schweiker, the Senator from Missouri, Mr. Eagleton, and the Senator from Michigan, Mr. Riegle, that these hearings are very important. The five members of the subcommittee are very, very desirous of hearing the testimony today.

I hope it is not inappropriate for me to say that next door to Mrs. Randolph and me, in the District of Columbia, were very good neighbors, the Herberts, Mary Alice and John Herbert. Their daughter was diagnosed as handicapped.

And as she became older, we were very conscious, Mary and I, of two parents who in their loving, caring, and intelligent way, sought the best for that daughter.

So Mary Jane today is happily employed. She is now in her twenties and doing a good job. She has had a promotion in recent months and has demonstrated that she can move from one responsibility to another.

So parents can have a very positive effect upon their handicapped children.

We are grateful for the cooperation that we have had because of a change in the schedule for this hearing. It was necessary for our Committee on Labor and Human Resources to schedule a hearing on the nomination of Mrs. Patricia Harris this morning. We participated in that hearing with Senator Stafford, the President having nominated Mrs. Harris as Secretary Designate of the Department of Health, Education, and Welfare.

So that was a necessary shifting of schedule. We know that you all understand. You have been very, very helpful.

This is the second in our series of oversight hearings on Public Law 94-142. We expect other hearings as the year progresses. The purpose of our sessions is to provide, as I have indicated earlier, a forum for an expression of advice and counsel from parents and teachers and local, State, and national organizations and agencies, who make contributions because of their knowledge in this field.

We want the implementation of Public Law 94-142 to be very positive.

Now, I think that I am provincial and I am proud of a provincialism that is in this context, and I see here, Senator Stafford, that there are some witnesses from Vermont.

Senator **Stafford**. Mr. Chairman, you have no exclusive provincialism.

Senator **Randolph**. Thank you, Senator Stafford. But we do have these West Virginians who are here. Incidentally, I guess it just happens this way, but they are all from the county in which I was born. Clarksburg, the county seat of Harrison County, and Bridgeport, not a suburb, but a growing community east of Clarksburg some 5 or 6 miles.

These hearings have a unique contribution to make to the implementation of the law. We have had meetings with parents in West Virginia and we thought, in consultation with Senator Stafford and others, that it would be good to have their testimony before this subcommittee.

Their concerns are local, but their concerns are duplicated in degree elsewhere so they become very national in scope. So for the three parents who are here from West Virginia, would you come to the witness table?

Mrs. Shirley Bulka, we have talked together out in Harrison County about some of your concerns and your great hopes. Will you be the first of the three witnesses?

## STATEMENT OF MRS. SHIRLEY BULKA, CLARKSBURG, W. VA.; MRS. RHONDA WHARTON, CLARKSBURG, W. VA.; AND MRS. BRIDGETT OLIVERIO, BRIDGEPORT, W. VA. A PANEL

Mrs. **Bulka**. Senator, we want to thank you for having us here and having other parents here.

My concerns are many, but those which I have chosen to bring to the subcommittee are concerning, first of all, early diagnosis, particularly in the area of vision. I, myself, will be 54 tomorrow, and I have worn glasses for 50 years. So ophthalmology is not a new thing for me. I have two children in eyeglasses also so I am very well aware of vision problems.

According to this little leaflet which I picked up in an ophthalmologist office, 80 percent of learning comes through vision, so we can see how readily important it is. By the average age of 8 years, a child's eyes have set, so to speak, whereby problems which could have been corrected may not be able to be corrected.

A case I wish to relate to you now is of a 3-year-old girl born with spina bifida which affected her sight. At the age of 1½ years her eyes were examined at an eye clinic in West Virginia. The mother was told they were unable to determine if her child could see. Nothing further was recommended and until I told the mother of the test and where it was available, no one in the medical profession had volunteered this information. The light-evoked test has been in use for about 10 years.

For 3 years of her life this child has been apparently blind. If she had been given this test at birth or even when she was examined at the age of 1½ years, her free, appropriate education could have begun. As a legally blind child, her parents could have learned how better to aid her. As a child in glasses she could have seen the wonders around her and her loving parents faces. Hopefully, she will have this test and I pray will be able to see with the aid of glasses.

My concern is in our home State there is not a practicing pediatric ophthalmologist nor does our State university have a pediatric ophthalmology department. I am sad to say they do not seem to be concerned as to whether or not they have one.

The New Jersey Supreme Court has given a green light to lawsuits against doctors who do not advise pregnant women of methods to detect possible abnormalities in a fetus. If a doctor or clinic fail to advise a parent of tests that are available to determine if their child is blind as early as birth, though these tests may not be available at their facility, are they not liable? This child, if, not determined to be blind, legally blind or in need of corrective glasses, would be denied the right to a free, appropriate education beginning as early as birth. She may also be left with visual difficulties which may have been corrected early in life.

The questions that are raised in my mind are: What are parents to do if they do not know what to ask and information is not available through the professionals who should make it their business to know and to inform? What can the subcommittee do to help? What recommendations can be made to the professionals? These are questions which need answering by those in authority.

I think that Public Law 94-142 should specify particularly where vision is concerned that, at the earliest possible moment, even if it is at birth, parents must be advised that their child may possibly be blind and the test whereby this can be determined. The parents should be told where to go for the test and if the parents cannot pay themselves it must be determined now who will be responsible for the payment. If we wait for agencies to argue and decide who is responsible the child may grow beyond the age where anything can be done.

Senator RANDOLPH. What age is that as you understand it?

Mrs. BULKA. These tests can be done as early as birth, and in the case of this child, at 1½ she had her eyes examined. This testing is over 10 years old or approximately 10 years old. Why didn't the doctor say, "We do not have this test available, but we will tell you where you can go and have it done."

If the child could be determined, legally blind, totally blind or in need of glasses, that is when her education could begin. It is not fair that this child for a year and a half at least has not been able to see, or begin learning as a blind person. That is sad. Her parents think she may have some vision. Why not prove that she either can or cannot and give her the help accordingly.

Senator RANDOLPH. Mrs. Bulka, on just that point, I understand the timing that you are speaking of and how unfortunate it is.

Mrs. BULKA. Yes.

Senator **Randolph**. So often, and in this case, doing something before the fact is very positive; doing something after the fact, may be helpful. But there will be a loss of valuable time even if the eye problem is corrected.

I remember the children at the West Virginia School for the Blind. They were there because they were partially blind or blind. I do not know their history. I would say they were 12, 14, 16 years of age.

And I remember so very well when we arranged to provide a service, Lions International in West Virginia. And some 60 or 80, my memory, of course, may be a little sketchy, we determined could be helped by surgical operations.

There were no moneys available for that. So we raised $3,000 among our 50 clubs throughout the State, to be used for the hospitalization and transportation of these children clear across the State from Romney, which is in the so-called South Branch or eastern part of our State, all the way over to the edge of Virginia or Bluefield, W. Va., and Virginia, where the two meet.

And how wonderful it was and I recall, for the record, so often we fail to give tribute to someone. I remember Dr. J. E. Blades, who was the head of the clinic. He is gone now, but his son carries on.

When I approached him and told him our problem and what we were going to do, I said: "Dr. Blades, what will the cost be for these operations?" He said: "Mr. Randolph, not a single penny."

And they spent months and months, Dr. Blades and his associates. Some 65 percent of these children were helped. I shall never forget it.

I am only using this story to illustrate that in all of this effort, there has to be, of course, the timing as you mentioned. There has to be the expertise, but there also has to be the understanding as well. That is what Dr. Blades had.

He is long gone, but I want the record to show that along the way there are those who make these contributions.

Mrs. **Bulka**. I have seen the results of Romney School for the Blind, and it is excellent. I am thankful for that, but I am concerned with the new born and the 8 years in which they have to develop. This is terribly important.

I am concerned, too, with the slow learner who is, due to cultural, parental lack of education, economic deprivation, or child abuse may be thought to be retarded and perhaps given tests which may show this incorrectly.

Senator **Randolph**. The child abuse, you bring that into the picture.

Mrs. **Bulka**. Sometimes child abuse can cause or can cover up what could be a slow learner. They could think this child educably mentally retarded. This is one of the instances when the child could be misplaced.

Senator **Randolph**. I see.

Mrs. **Bulka**. I was giving instances such as parental lack of education, no stimulation, these children are sometimes lost in the system of the EMR's as they are called, and year after year, if they are tested, are not progressing.

I believe sometimes these children are placed in EMR classes simply because, it is the kind thing to do. This is a mark which could remain on these children all their lives, they may never catch up or be found.

Some parents have, after learning their rights, demanded certain recognition and certain testing to find their child's right place in special education or be removed from it. I am reminded of the young man—I believe we spoke to you of this when we saw you—of the young man who was in his middle teens, and was sent to a sheltered workshop as a TMR. With a little education given there he managed to pass two phases, the literature and the math, of the GED test. This child had been misplaced. These are the children we are concerned with.

The State of Mississippi has just, in February, determined that there must be nondiscriminatory testing. They must now go back and find these children and they believe that there may be 50 percent of these children who should not be in special ed. This is what I am trying to say.

Senator **Randolph**. Mrs. Bulka, I must interrupt. We have a rollcall in progress. I waited so that Senator Stafford might go ahead, and now he is in the process of coming back. We do not want to have a recess. We want the hearing to continue. Mrs. Forsythe, the staff director, if you would carry on.

Mrs. **Forsythe**. Just proceed, Mrs. Bulka.

Mrs. **Bulka**. Thank you. We are also concerned that children having progressed through 8 years of special ed having been diagnosed as mentally retarded will then be placed in high school. At that time, accumulating credits, toward graduation will be denied further education. I know of one case I personally became involved with where the child was to graduate. He was 19. His mother had not been told her rights that as soon as he graduated, the county or State or Federal Government would no longer be responsible for his education. She did not know this, and immediately withdrew the young man from the graduation class.

I know of one other who also went on to graduate. In the State of West Virginia the students are educated until they are 23. Parents are not being told this. Once the student graduates, the parents think that is it. I do not know that other places have a similar age, but we are concerned with this area, that parents must be made aware that their child may be educated until 21 or 23.

Thank you.

Mrs. **Forsythe**. Mrs. Wharton, would you continue with your testimony, please?

Mrs. **Wharton**. My daughter is multiply handicapped. She has visual disabilities, fine and gross motor disabilities. She attended an open door school for exceptional children at a mental health center for 2 years. Here she progressed. I was taught to teach my daughter, and she progressed well.

Then on September 1, 1977, I had to place her in a public school. Then everything went haywire. She received nothing. She has not progressed. This will be her third year, this coming school term will be her third year in the public school. This year she will have received an intense evaluation. I was not aware that she had this right until I read laws, wrote letters, talked to people for 2½ years.

She has received nothing in the public schools. Her first year I at least requested that she have speech therapy or some type of communication therapy. Well, the excuse was we do not have enough speech therapists. We have to work with the more progressive children first.

So this is what led up to the evaluation. I have had to read the laws and request this myself. I was not told that my daughter has this right to an evaluation. I have been told by the school officials that my daughter is blind. But she does see. I am her mother. She can see.

This year she was appropriated a certain amount of money because she was enrolled in a Federal program before. The school wanted to buy a television set for her classroom, but I am still told that she is blind. She cannot see.

This is the way things are being dealt with with the children. According to the laws, the State standards, State plans, guidelines, everything sounds good. It is really good down in black and white, but when it comes to working for the child in the classroom, it is not working.

I have 94-142. If every point would be complied with, every handicapped child would receive a good education. Every handicapped child would progress, but where it counts in the classroom, it is not being complied with.

As the parent of a handicapped child and an advocate for the developmentally disabled working with other parents of handicapped children, parents do not know that they have any rights at all, that their child has any rights other than being bussed, taken to the classroom, being placed in a classroom. This is where the child sits.

Parents do not understand what an IEP is. They do not know what an evaluation is. This is through working with other parents of handicapped children. I have attended meetings. I have spoken before the board of education. I have monitored monitoring reports through the State.

This is all documentation, black and white. As far as that goes, everything is being complied with, but still in the classroom where the child is, it is not being complied with.

Every handicapped person has the right to learn to develop his abilities to the fullest potential. Without the appropriate help to learn not only knowledge but the ability to make the most of a handicapped condition and to overcome the handicapped condition, then these laws may as well not have been written.

Mrs. **Forsythe**. Thank you, Mrs. Wharton.

Mrs. Oliverio?

Mrs. **Oliverio**. I am the parent of a handicapped child. She was born with an open spine. She is in a wheelchair. Antoinette went to preschool, she went through a summer Headstart program and through private kindergarten, and yet when I tried to put her in first grade, they would not let her go. They used every excuse from she disrupted the class—meaning that the children in the class wanted to help her rather than do their own work—to the teacher had back problems and she could not handle her, and that there were laws, fire regulations that would restrict her going there because they had no way to get her out of the school in case of a fire. So I was told to take her home and that she would be put on a homebound program.

I asked about placing her in special education, and they said she was not qualified because she was not retarded, but they did not bother to test her until February 1978, and I did not know that she had a right to be tested. As a matter of fact, I did not know that she had this right or it should be done until she had been in school for 6 years.

I took her to Pennsylvania and had her completely evaluated at my own expense at $170 a day for 5 weeks. She received a full program while she was at this school or hospital, whichever you prefer to call it.

They set up a program for her and they determined what should be written on her IEP. On December 1, I requested the help of the Advocates for the Developmentally Disabled—WVADD—in Charleston, W. Va., and they sent a representative who went to the school with me and helped write up an IEP after reading her evaluation from Pittsburgh. A lot of things were put on the IEP, the total service plan, but very little of it was implemented, and it was stretched to the limits.

In other words, she was supposed to be in school from 8 in the morning to 2:30 in the afternoon the same as any other child in that school, but they did not pick her up until 7:55, and they had to pick two children up after that. So there was no way she could get to school by 8.

And they began getting her ready to come home from school at 2. Her classroom day just ceased at 2, one-half hour earlier than the other children in the classroom. So she was losing out on some of her schooling here.

They did not implement the physical therapy part of the total service plan. They did not provide a physical therapist nor did they bother to tell me that if I wanted to take her to a physical therapist of my choice, that they would pay for it.

To this day, she does not have an IEP. The total service plan was written on December 1, and she still does not have an IEP. At this time I am considering placing her in school in Pennsylvania, because I do know that she will have an appropriate program there.

I do not feel like I can afford to sit around and wait for our county to come across any longer because my daughter is 14 now. She does not have that much time left. She is junior high school age. They wanted to bus her from Bridgeport which is in the eastern part of Harrison County to Salem which is 26 miles away, one way, to school next year, and I will not permit it, simply because we do not have a barrier-free school in our community.

But at the same time, the school in our community where she could have gone added a $250,000 complex and put steps in it everyplace they could possibly put steps. They had a 60-foot hallway connecting the two buildings which would have made the first floor of the junior high in our community barrier free so that my daughter could go 4 blocks away to school, and they placed steps everywhere they could possibly put them. Now, she is going to have to be bussed 26 miles away to go to school.

And if the bus breaks down, I will be responsible for her transportation, 104 miles a day for me, or she can stay home, as far as they are concerned.

I do not feel that this is right. I think that these programs should be monitored more closely by people who do not have conflicting interests. In other words, to have the State department of education monitor what the counties are doing, I feel that they will more or less side with the county to find the easiest way and the least expensive way out for them both. I have seen it happen, and I am going through it right now with my daughter.

Another thing that is a common practice in our county that we do not seem to be able to do anything about is the fact that they place a child in an elementary school and leave him there until he is 23 years old. We do not really have any that are 23 now, but we do have some that are 20 or 21 years old, and they are still in elementary school in special education classes. They do not want to have to provide any programs for these children. They refuse to refer them to vocational rehabilitation for services, and they do not want to refer them to the sheltered workshop.

I do not know what the solution to the problem is going to be. For a lot of children, it is already too late. I do not want it to be too late for my daughter. That is why I decided for her to go to school in Pennsylvania where I know she is going to get what she needs.

Thank you.

Senator STAFFORD. On behalf of the subcommittee, I will thank all three of you for your testimony. It is going to be a real value to this subcommittee. I can assure you that the members who are not here will read the testimony.

I think the chairman explained that all of us are trying to be in about four different places at once this afternoon, and the rollcall vote takes us over to the Senate on implementing the Panama Canal Treaty.

There may be some questions. We will prepare them in writing and ask that you respond to them in writing. Thank you very much.

[The prepared statements of Bulka, Wharton, and Oliverio and responses submitted by Bulka, Wharton, Oliverio, McCallum, Hannas, Ellison, and Griffin follow:]

## FREE APPROPRIATE EDUCATION

Shirley R. Bulka

Early diagnosis is an absolute necessity, particularly with vision. This area of physical handicap can go undetected for years and could cause children to be misplaced in special education. By the average age of eight (8) a childs eyes are set, and sight may be impaired, which could have been corrected.

Being personally familiar with pediactric opthonology for over thirty (30) years I know its value first hand. A childs eyes can be examined as early as birth and blindness can be detected with a light evoked test which can determine if the brain is receiving what the eyes see. If the brain does register what the eyes see then the child could be fitted with glasses with the aid of prisms while he is still in the crib. These simple facts are not commonly known by some educators.

A case I wish to relate to you now is of a three (3) year old girl born with spina bifida which affected her sight. At the age of 1½ years her eyes were examined at an eye clinic in West Virginia. The mother was told they were unable to determine if her child could see. Nothing further was recommended and until I told the mother of the test and where it was available, no one in the medical profession had volunteered this information. The light evoked test has been in use for about ten (10) years.

For three (3) years of her life this child has been apparently blind. If she had been given this test at birth or even when she was examined at the age of 1½ years, her "FREE APPROPRIATE EDUCATION" could have begun. As a legally blind child her parents could have learned how better to aid her. As a child in glasses she could have seen the wonders around her and her loving parents faces. Hopefully she will have this test and I pray will be able to see with the aid of glasses.

What are parents to do if they do not know what to ask and information is not available through the professionals who should make it their business to know and to inform? What can the sub-committee do to help? What recommendations can be made to the professionals: Who will pay for these expenses if the parents are unable? These are questions which need to be answered by someone in authority.

It is also imperative that we have a positive means to properly identify the slow learner from the Educable Mentally Retarded and visa versa. I have personally encountered three professionals who have asked, "What's the difference?". To the child and the parents, there is a great deal of difference. The evaluation process is not going deep enough to determine these facts. A few examples of what could cause a child to be slow are cultural, parental lack of education, economic deprevation and child abuse.

There is also the ever present federal or state funds given for a student in special education which are not there for the slow learner. It may be a great temptation for those in authority to convince themselves that they are doing the child a favor by placing him in a special education class because he will receive more attention. This is not true, it is placing a label upon him which he may carry all his life.

The law states that moneys must be returned for misplaced students. The problem lies in the child who is placed in special education without a thorough evaluation and perhaps a year or two later is retested (a simple IQ test) and has not progressed, not due to retardation but because of educational deprevation. He may be retained again and again in this manner. This child will not be found unless, like several children I have encountered, have parents who become aware for the first time of their rights and begin to threaten legal action if the matter is not corrected. It is unfortunate when a child of 7, 9 or 14 is found to be educationally deprived. But what of the young man who is sent to a Sheltered Workshop as only trainable and with some additional education over a short period of time, passes the math and literature part of the General Education Diploma test? The scars of having been in a class with severely or trainably retarded students may remain with him forever.

A slow learner, with proper help and encouragement, could grow in self esteem and motivation and quite possibly go on to college or technical school. If this same child is placed in an Educable Mentally Retarded class even temporarily, it could be a blow to his self esteem and self worth causing a life time of emotional and psychological problems. There must be a way to find those lost in the system now and prevent the placement of others in special education in the future. Special education is priceless for those who really are in need of it, but could be the beginning of a life of hell for those who do not.

The other end of the road in special education is at the high school level. If a student has been in special education (diagnosed as retarded) for eight (8) years and then placed in high school; scheduled to accumulate 18 or 20 credits toward graduation, there is no way this student could possibly be qualified to receive a high school diploma. I am not referring to competency testing which is being argued throughout the nation. I am speaking of a diagnosed retarded person.

The parents are left to believe that their child like other children will graduate from high school and be finished with his education and the system no longer responsible for him. In many cases they are not even referred to the Dept. of Vocational Rehabilitation for services which may be available.

If the student is kept in special education beyond the graduation age there should be more available to him than a sheltered work shop or continuing on the same campus with high school age students. It is extremely important that these students for their own self esteem and development be assisted by and have communication with their own age group. This could be possible if classes under the local jurisdiction were situated close to a college campus which has courses for teacher training in special education.

We have discussed with Dr. James C. Stam, President and Dr. Gary S. McAllister, Dean of Graduate & Teacher Education Programs, Salem College, Salem, West Virginia, the possibility of such a co-operative venture.

They were in agreement provided the local Department of Education agreed and assisted. With student teachers in the field of special education, physicial education and vocational education in the college, it would benefit the teacher training program to have these retarded student classes close at hand. The college would benefit by having more to offer in their own curriculum.

The benefits to the retarded student would be many. Students would have a greater opportunity for individual attention; on campus there are usually swimming pools and recreational facilities which would broaden the areas of social and physical awareness; the ages of the college students are chronologically that of the older retardate, giving a form of "mainstreaming" with non-handicapped persons; field trips with college student volunteers to help on a one to one basis would be possible thereby increasing social and cultural awareness; with on-job training in areas such as maintenance or food service available on campus.

We plan to continue to advocate such a program within our county and nearby counties to Salem College. So far we are told by our local Board of Education, they can't afford the project. Perhaps it could be possible by a grant. This is a suggestion we believe worth sharing, so that others may approach their own colleges.

Attached you will find a leaflet which has been published within the last month by our West Virginia Department of Education. We are proud of it and believe it is simple yet informative. Our only concern is that it may not reach the hands of parents who now have children in special education. It could be used as a check list for them to be sure that their children are receiving all the services, etc, to which they are entitled. The Right to Privacy Act prevents the school systems releasing the names and addresses of parents with children in special education, therefore the advocates for parents rights are unable to find out if these leaflets ever reach them. Perhaps help and recommendations from the sub-committee could be forthcoming.

Shirley R. Bulka
Parent and Parent Advocate
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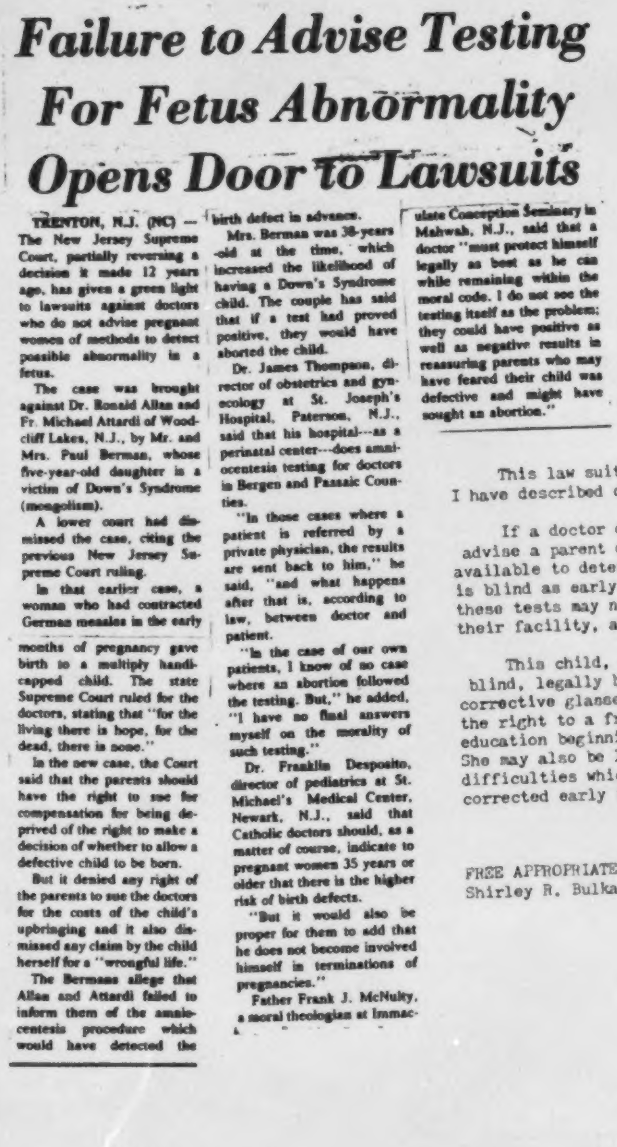

# Failure to Advise Testing For Fetus Abnormality Opens Door to Lawsuits

TRENTON, N.J. (NC) — The New Jersey Supreme Court, partially reversing a decision it made 12 years ago, has given a green light to lawsuits against doctors who do not advise pregnant women of methods to detect possible abnormality in a fetus.

The case was brought against Dr. Ronald Allan and Fr. Michael Attardi of Woodcliff Lakes, N.J., by Mr. and Mrs. Paul Berman, whose five-year-old daughter is a victim of Down's Syndrome (mongolism).

A lower court had dismissed the case, citing the previous New Jersey Supreme Court ruling.

In that earlier case, a woman who had contracted German measles in the early months of pregnancy gave birth to a multiply handicapped child. The state Supreme Court ruled for the doctors, stating that "for the living there is hope, for the dead, there is none."

In the new case, the Court said that the parents should have the right to sue for compensation for being deprived of the right to make a decision of whether to allow a defective child to be born.

But it denied any right of the parents to sue the doctors for the costs of the child's upbringing and it also dismissed any claim by the child herself for a "wrongful life."

The Bermans allege that Allan and Attardi failed to inform them of the amniocentesis procedure which would have detected the birth defect in advance.

Mrs. Berman was 38-years-old at the time, which increased the likelihood of having a Down's Syndrome child. The couple has said that if a test had proved positive, they would have aborted the child.

Dr. James Thompson, director of obstetrics and gynecology at St. Joseph's Hospital, Paterson, N.J., said that his hospital---as a perinatal center---does amniocentesis testing for doctors in Bergen and Passaic Counties.

"In those cases where a patient is referred by a private physician, the results are sent back to him," he said, "and what happens after that is, according to law, between doctor and patient.

"In the case of our own patients, I know of no case where an abortion followed the testing. But," he added, "I have no final answers myself on the morality of such testing."

Dr. Franklin Desposito, director of pediatrics at St. Michael's Medical Center, Newark, N.J., said that Catholic doctors should, as a matter of course, indicate to pregnant women 35 years or older that there is the higher risk of birth defects.

"But it would also be proper for them to add that he does not become involved himself in terminations of pregnancies."

Father Frank J. McNulty, a moral theologian at Immaculate Conception Seminary in Mahwah, N.J., said that a doctor "must protect himself legally as best as he can while remaining within the moral code. I do not see the testing itself as the problem; they could have positive as well as negative results in reassuring parents who may have feared their child was defective and might have sought an abortion."

This law suit paralells the case I have described of the 3 year girl.

If a doctor or clinic fail to advise a parent of tests that are available to determine if their child is blind as early as birth, though these tests may not be available at their facility, are they not liable?

This child, if determined to be blind, legally blind or in need of corrective glasses would be denied the right to a free appropriate education beginning as early as birth. She may also be left with visual difficulties which may have been corrected early in life.

FREE APPROPRIATE EDUCATION CON'TD.
Shirley R. Bulka

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CDF Reports
Vol. 1, No. 1
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CHILDREN'S
PUBLIC POLICY
NETWORK

# Mississippi Victory under New Handicap Education Act

Mississippi's 40,000 school-age handicapped children won a major legal victory on February 22, 1979, setting a precedent that can benefit as many as four million children nationally. The four-year-old CDF court suit, *Mattie T. v. Holladay*, charged that officials of the Mississippi State Department of Education and seven local school districts failed to enforce the children's rights under Public Law 94-142, which provides nearly a billion dollars for special education programs for handicapped children. Along with the funds, the law requires that state education agencies ensure that local school districts and other state agencies comply with the law's requirements.

The Mississippi decree specified that state's responsibilities in seven major areas:

**Least Restrictive Environment or "Mainstreaming."** Limits were placed on the school district's right to separate handicapped from non-handicapped children in school programs. State institutions were ordered to take specified steps to place institutionalized children in local day programs whenever possible.

**Non-discriminatory Testing.** The court ordered outside experts to make a thorough assessment of and make changes in the state's system of classifying and placing handicapped children, with the goal of reducing, at least by half, the disproportionate placement of minority children in classes for the mentally retarded. This step is to be followed by an intensive two-year teacher training program.

**Compensatory Education.** Each school district must provide a compensatory education program including tutoring, vocational education and specific preparation for a diploma for each child who was misclassified as mentally retarded (even if he or she is beyond the state's school age).

**Suspensions.** A limit was placed on the use of suspensions for handicapped children. Expulsion of handicapped children was prohibited.

**Complaint Procedure.** A statewide mechanism was established for complaints about system-wide problems involving local school districts and state agency programs.

**Monitoring and Enforcement.** The state system for monitoring local school districts' and other agencies' compliance with the federal law was strengthened. The court also established an enforcement mechanism to withhold federal funds from non-complying programs.

**Procedural Safeguards and Child Find.** School districts were ordered to provide parents with information they need to take advantage of these new federal procedures, and to take steps to identify any handicapped children who were not presently being served.

The next issue of *CDF Reports* will contain a detailed analysis of the *Mattie T.* case along with an in-depth look at the initial effect it is having in Mississippi.

# THE EDUCATION OF EXCEPTIONAL CHILDREN IN WEST VIRGINIA

## - a guide for parents -

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# A MESSAGE TO PARENTS

West Virginia can take great pride in its commitment and support for the education of exceptional children. Through the cooperative efforts of parents, educators, concerned citizens and legislators, West Virginia was among the leaders in establishing the educational rights of exceptional children. Today, over 30,000 children and young adults in this state benefit from free special education programs and services.

Further progress toward the goal of providing a free appropriate public education for all of West Virginia's exceptional children will require the continued active involvement of parents and dedicated citizens. You are urged to participate with the public schools in the planning and implementing of programs for exceptional children.

By working together, a better education can be provided all children.

**Daniel B. Taylor, Superintendent**

**West Virginia Department of Education**

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# PART I: Introduction

Parents play a vital role in the education of exceptional children. Indeed, when parents and educators work together children benefit most.

The importance of the role that parents play in the education of exceptional children has been recognized by recent laws. These laws guarantee parents the right to be active participants in the education of their children. Parental participation in the educational process, however, requires awareness and knowledge. Therefore, this guide is designed to provide parents with basic information about special education in West Virginia.

Specifically, this guide has the following objectives: (1) to assist parents in understanding their rights, and the rights of their children, in relation to special education; (2) to provide parents with a working knowledge of the special education process; (3) to answer questions commonly asked by parents, and (4) to inform parents of additional resources and where to obtain them.

It is hoped that parents will find this guide a useful source of information and a valuable aid in working hand-in-hand with educators in planning and implementing special education programs for exceptional children.

# PART II: Who are Exceptional Children?

"Exceptional children" are those children and young adults who differ from the average or normal in learning or academic skills, mental ability, hearing, speech and language, vision, behavior, or physical or health characteristics and need special education programs and services. The term "exceptional children" includes both the "handicapped" and "gifted." The definition of "exceptional children" is very broad and includes individuals who need special education and related services because of any of the following:

- Hearing impairments or deafness
- Speech and language impairments
- Giftedness
- Visual impairments or blindness
- Behavioral disorders or emotional disturbance
- Mental retardation
- Physical or orthopedic impairments
- Chronic or long term health problems
- Other conditions that affect learning

# PART III: Education is the Right of Every Child

A free appropriate public education is the birthright of every child. Yet, until recent laws were passed, many exceptional children were denied education or were provided educational programs and services that were inappropriate for their needs. Often, parents had to pay prohibitive costs for special programs and services.

Today there is good news for exceptional children and their parents. New laws guarantee a free appropriate public education for all exceptional children. These laws are Article 20, Chapter 18 of the Code of West Virginia, providing for the education of exceptional children* and Public Law 94-142, The Education of All Handicapped Children Act of 1975. These laws were enacted through the efforts of parents, educators, concerned citizens and legislators to reaffirm that education is the right of every child, and to assure that exceptional children have an opportunity to develop their abilities, become productive members of society, and live with dignity and self-respect.

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*originally enacted in 1969 and became fully effective July 1, 1974.

# PART IV: Provisions of the New Laws for Exceptional Children

To be active participants in the educational process, parents need to know what the new state and federal laws provide for exceptional children and their parents. The major provisions are:

**Public schools must provide or arrange for free appriopriate special educational programs and services for all exceptional children, ages five to 23, with no exception.**

- Parents have the right to expect that their children's special needs will be met by the county school system at no cost to them, regardless of the type of exceptionality or the severity of the problem.
- The special education programs and services provided by the schools must be appropriate to each exceptional child's individual needs and abilities.
- School systems may, but are not required to, offer pre-school (before age five) special education programs. Parents of pre-school exceptional children should inquire about the availability of these programs. Schools can often put parents in touch with other sources of special help when pre-school programs are not offered.

**Public schools must maintain an active program to locate and identify all handicapped children at the earliest possible age to age 23.**

- County schools must have an aggressive "search" campaign for handicapped children.

- Parents must be provided with information regarding the early signs of handicapping conditions, where to get special education services and whom to contact.

- Children must be screened for hearing, vision, and speech and language problems when they first enter school. County schools often extend these programs to other grade levels to find these problems and provide special help as early as possible.

- Parents who suspect that their child may need special help have the right to request and obtain a free screening or evaluation from the county school system.

**Public schools must comprehensively evaluate each exceptional child to determine his or her abilities and educational needs and the type and extent of special education services necessary.**

- School systems are required to use a team of teachers and specialists to take a careful look at a child's abilities, including his or her strengths and weaknesses.

- Tests and evaluation materials and procedures must be appropriate for the child's age, experience and background to insure fairness and to avoid racial and cultural discrimination. Evaluations must also be in the child's native language or method of communication.

- Evaluations must describe the child's educational needs.

- School systems must evaluate children in special education programs at least every three years. However, parents have the right to request an evaluation at any time.

- Parents have the right to contribute important information about their child's strengths and weaknesses.
- School systems must inform parents of the results of the evaluations.

**Public schools must develop an individualized education program (IEP) for each exceptional child. The IEP is a written plan designed to meet each child's own individual needs.**

- The IEP is developed in a meeting between educators, parent(s) and the child, when appropriate.
- Schools are required to make efforts to insure that parents are given the opportunity to attend the meeting, contribute information, and be involved in decisions concerning the content of the child's program.

  The IEP must contain:

    - a description of what the child is able to do now;
    - a list of important yearly goals to meet needs;
    - the steps to be taken to reach the goals;
    - teaching activities to carry out the total program;
    - a list of programs and services recommended for the child;
    - dates for starting and ending services;
    - ways the program will be checked to see if goals are reached.

- The programs and services specified in the IEP must be fully carried out by the county school system. Parents should insure that all educational related needs of their child are addressed in the IEP.

**Public schools must educate exceptional children in as normal a setting and as close to home as possible.**

- The recommended placement in the IEP must insure that the child has an opportunity to participate (as much as possible) with children who are not handicapped.

- Schools must provide programs and services in the child's county of residence to the greatest extent possible.

- Parents and educators together must consider what constitutes an appropriate education placement for each child having special needs.

**Exceptional children, parents and educators have rights and special procedures to protect their rights in regard to special education.**

- Parents have the right to give or refuse consent for screenings and evaluations done by the county school system.
- Schools must involve parents in all decisions concerning their child.
- If parents disagree with the evaluations done by the county school system, they have the right to an independent educational evaluation at public expense and the results must be considered in any decision concerning the child's education. The county school system, however, may initiate a hearing to show its evaluation is appropriate. If the final decision of the hearing is that the school's evaluation is approriate, parents still have the right to an independent educational evaluation but not at public expense.

- Parents must have the opportunity to participate in writing their child's individualized education program (IEP).
- Parents have the right to refuse or give consent to the IEP and the child's program placement and classroom setting.
- Parents have the right to inspect, review and request copies of all records pertaining to their child and to challenge their accuracy.
- If parents are dissatisfied with any decision or action of the county school system, they have the right to request a fair hearing (called a due process hearing) to resolve the issue. The school system must inform parents of the procedures to follow to request and obtain such a hearing.
- Parents have the right to appeal an unfavorable due process hearing decision to the State Superintendent of Schools, West Virginia Department of Education, and then to the courts.

**Due Process**
**Hearing**
**in Session**

# PART V: The Special Education Process in West Virginia: An Overview

State and federal laws and regulations require county school systems to follow a **step-by-step process** for providing exceptional children with special education and related services. The step-by-step process is designed to insure that each child will receive an appropriate program designed to meet his or her unique needs and that the rights of all parties concerned will be protected. Parents need to be thoroughly acquainted with the process to assist in playing an active role in the education of exceptional children.

A child or young adult becomes a candidate for special education services as the result of initial concern on the part of parents, guardians, school personnel, or others involved with the welfare of the child.

The **first step** of the special education process is a referral for an individual screening to determine the presence or absence of a problem and the need for an evaluation. Parent/guardian consent in writing is required before the county school system can individually screen a child who has become a focus of concern.

Screening tests and procedures are administered in the areas of concern as well as areas related to the suspected problem. For example, a second grade pupil referred for poor academic performance may be screened for hearing, vision, and speech and language impairments in addition to a testing for special needs in academic achievement. The results of the screenings are reported to the parent/guardian. If a child shows special needs in the areas screened, he or she is referred for an evaluation. The screening results help the school and parent begin to understand the basis of the child's problem.

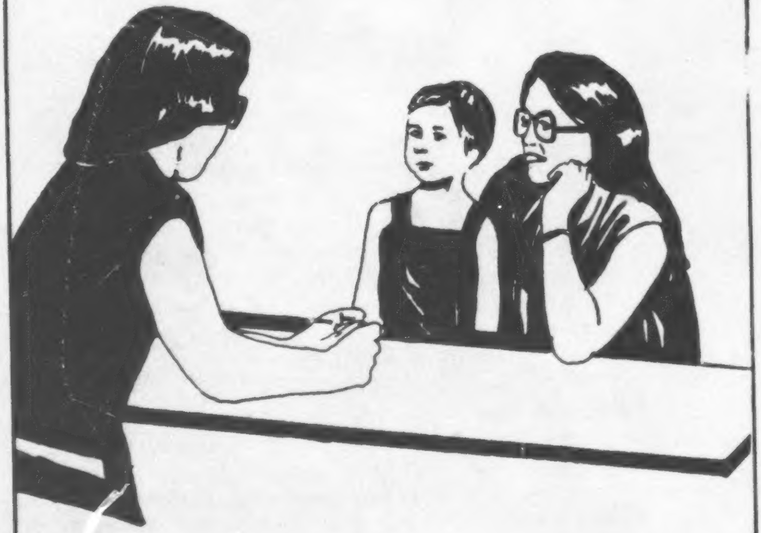
The **second step** of the special education process is a comprehensive and in-depth evaluation. The purpose of the evaluation is to determine the child's educational needs and eligibility for special education programs and services. The focus of the evaluation is the areas of special needs identified by the screenings administered to the child. Parent/guardian permission is necessary before the evaluation can begin. The county school system evaluates the child with a team of trained teachers and specialists using tests and procedures appropriate to the child's age, experiences, and background. Parents/guardians are also involved by contributing information concerning their child's developmental history and abilities at home.

The **third step** of the process is the planning of the most appropriate program for the child based upon the results of the evaluation. Parent/guardian, evaluators, other school officials, and the child, when appropriate, meet to discuss the evaluation results and plan the educational program. At the meeting, the evaluation results are thoroughly explained to the parents. At this point, the child's eligibility for special education is determined and a program placement and type of classroom setting are recommended. If the child is in need of special education, long-range goals and the type of programs and services the child is to receive are specified in a written document called the Individualized Educational Program: Total Service Plan. If the parent/guardian agrees with the recommendations and proposed educational program, consent is given by signing the document.

The **fourth step** in the special education process is the planning of the instruction that the child is to receive. Parent/guardian and teachers who will implement the program, the child, when appropriate, and other school personnel meet to develop the child's instructional plan.

Annual goals, short term objectives and special teaching materials and strategies are specified and documented in an Individualized Education Program: Implementation/Instructional Plan. Parent/guardian consent of this plan is required before the teachers can begin instruction with the child.

The **fifth step** is a reevaluation of the child's progress on an annual basis and a comprehensive evaluation at least every three years. The annual revision is based upon the child's performance toward meeting the stated annual goals and short term objectives and is conducted in a meeting of parent/guardian and educators. The child's instructional plan or placement is continued or revised, based upon the progress demonstrated.



# PART VI: Questions Most Often Asked by Parents

**Whom do I contact if I feel my child needs special help?**

The first step is to contact the principal of your local school or the director of special education of your county school system. When you call, ask for a screening or an evaluation to be scheduled as soon as possible.

**What is special education?**

Special education means programs which have specially trained teachers and special materials and equipment to help exceptional children learn. In special education the instruction is individually planned and designed to meet the unique needs of each exceptional child.

**How will it be determined if my child is eligible for special education and related services?**

Following the administration of evaluations to your child, you will be requested to attend a Placement Advisory Committee meeting to develop your child's IEP: Total Service Plan. At the meeting, the evaluation results will be thoroughly explained to you by specialists and educators. The results of the evaluations will indicate if your child has special needs that require special education programs and services.

**What are my rights when the school recommends an individual screening or evaluation for my child?**

Your consent in writing is required before the school may individually screen or evaluate your child. The school must first notify you explaining:

- What they propose to do - what kinds of tests they want to give.
- Why they think it is necessary.

It is illegal for anyone to remove your child from the regular school program for an individual screening or evaluation without your consent or a final decision by an impartial hearing officer, or court.

**What special services are the county school systems required to provide for my exceptional child?**

The county school system is responsible for providing the special services necessary to assist your child in benefiting from special education. The range of services your child is entitled to includes:

- School health services
- Psychological services
- Physical therapy
- Occupational therapy
- Special materials and equipment
- Vocational education
- Medical services for diagnostic or evaluation purposes
- Special transportation
- Other programs and services if they are necessary to your child's education.

**What are some of the possible special education placements available? What is the most appropriate for my child?**

The special education program placements available for exceptional children include the following:

- A regular classroom program with special attention by the teacher.
- A regular classroom program with part-time instruction in a resource room or by itinerant teachers or specialists.
- A special classroom program with some assigned subjects or activities in the regular school program.
- A special classroom program in which pupils spend all of their time in a special education program.
- Special day centers or schools.
- Homebound or hospital instruction.
- A residential school.

The most appropriate placement depends upon the exceptional child's needs and the extent to which he or she can participate in the regular school setting. Special classes, separate schooling or other removal of exceptional children from the regular educational program is appropriate only when the nature or severity of the child's special needs are such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily

**What if my county school system does not have a program for my child?**

Not all county school systems will be able to provide programs for all exceptional children. Therefore, it may be necessary for your county schools to contract with a nearby county school system or appropriate private or public agency to provide an appropriate program for your child. It is still your county school system's responsibility, however, to see that your child receives a free appropriate public education.

**What is an appropriate education for my child?**

An appropriate educational program is one that is designed for your child's individual needs and abilities. Educators and parents meet together to plan the appropriate program for an exceptional child. This program is referred to as the Individualized Educational Program (IEP).

**What is the responsibility of my county school system if my child requires special transportation?**

The county school system is required to provide free appropriate transportation services to any exceptional child who requires special transportation because of his or her special program needs. The State Board of Education has established regulations for the special transportation of exceptional children. These regulations apply to county school systems and outline the specific responsibilities of the county schools and parents for transporting exceptional children. A copy of these regulations may be obtained from your county's director of school transportation or director of special education. Copies may also be obtained by writing: Coordinator of School Transportation, Bureau of Services and Federal Assistance, West Virginia Department of Education, Capitol Complex, Charleston, West Virginia, 25305. Parents of exceptional children needing special transportation should be familiar with these regulations and should make sure that appropriate transportation is specifically addressed in their child's Individualized Educational Program (IEP).

**What if I disagree with the school's decision concerning my exceptional child? What is the best approach to resolving the problem?**

You have the right to challenge the county school system's decision if you think:

- the evaluation was inadequate.
- the decision to serve or not to serve your child in special education is inappropriate.
- the IEP developed for your child is not in accordance with his or her individual abilities and needs.
- promised services have been excessively delayed, denied, or provided in an unnecessarily segregated setting.
- other action or decisions were not appropriate.

To resolve these issues the following steps are recommended:

First: **Request a Conference.** Contact the principal or county director of special education and request a conference about your concerns. Be as specific as possible. **But if a conference does not solve the problem** then you may...

Second: **Request a meeting** with your county superintendent of schools or his representative. If the problem is still unsolved you may...

Third: **Write to the Division of Special Education and Student Support Systems,** West Virginia Department of Education, Capitol Complex, Room B-315, Charleston, West Virginia 25305 to request its assistance in mediation; or call the same office at this toll free number 1-800-642-8541. If these efforts fail, the following are the required procedures...

Fourth: **Request a Due Process Hearing.** Write to the county superintendent of schools and request a hearing. Obtain advice from a parent group or legal counselor. The hearing must be conducted by an impartial hearing officer and a decision must be reached within 45 days. **But if** not satisfied after the hearing you may...

Fifth: **Appeal to the State Superintendent of Schools, West Virginia Department of Education.** This review must be conducted within 30 days. The same rights must be afforded participants as in the initial due process hearing. **But if** not satisfied after the appeal process you may...

Sixth: **Prepare a Civil Suit.** With legal advice, pursue action through the court system.

# PART VII: Additional Resources for Parents

The following resources for parents may be obtained by writing the Division of Special Education and Student Support Systems, West Virginia Department of Education, Capitol Complex, Room B-315, Charleston, West Virginia 25305 or by calling toll free 1-800-642-8541.

- Public Law 94-142, The Education of All Handicapped Children Act of 1975 and accompanying regulations.
- Article 20, Chapter 18 of the Code of West Virginia, the "Education of Exceptional Children."
- West Virginia's Standards for the Education of Exceptional Children.
- List of organizations and public and private agencies providing services for exceptional children and their parents.
- Two additional parent handbooks printed by the West Virginia Department of Education: (1) *Hand in Hand: Parents and Educators Planning for the Exceptional Child;* (2) *Parent's Guide to Public Education for the Handicapped*

# STATEMENT BEFORE THE SUBCOMMITTEE ON THE HANDICAPPED
BY
RHONDA WHARTON
CLARKSBURG, WEST VIRGINIA

I am the mother of a multiply handicapped child. My daughter has been enrolled in the Harrison County public school system since September of 1977. The coming school year will be her third year of public education which as of this year she will receive an appropriate and intense evaluation. This is after two and a half years of reading the laws, writing letters and asking questions on my part. No one came to me and said your daughter has this right to an evaluation so that we can provide the services and proper teaching your daughter needs to receive an appropriate education to meet her unique needs. Thus far my daughter has attended classrooms which have given her nothing as to what I would consider an education. Classrooms my daughter has attended have been given teachers who are not certified or trained to teach these children. Having a hard time recruiting properly trained and certified personnel is a viable excuse for the State and local education systems, but this excuse is no excuse for the handicapped child. Since laws were enacted as far back as 1969, I feel there is no excuse for not having the adequate personnel.

If every point of the law 94-142 would be complied with education would work for the handicapped. The only way these laws are being complied with is through documentation. The law, State plans, local plans and standards, and monitoring reports are all documentations of compliance. When it comes to the law being enforced and working for the handicapped child in the classroom there is a discrepency between what is documented as being done and what is being done.

As a parent of a handicapped child and an advocate for the developmentally disabled working with parents of handicapped children every point of the law is being broken. Parents are not told their rights or their child's rights. Parents do not understand what an evaluation is. They do not understand what an IEP is or what it means. They are not being told. Parents are not receiving information to help them understand. After going through the frustrating experience of fighting for an appropriate evaluation for my daughter, after two and a half years of reading, writing letters, speaking before our local board of education, attending meetings of the State Department of Education, monitoring reports and only receiving excuses; on behalf of myself and other parents it is quite obvious that too many handicapped children are not receiving nor have been receiving an appropriate education to meet their unique needs; and the only excuse for this is non-compliance of the law. Non-compliance also is what is documented as being done and what is actually being done.

Every handicapped person has the right to learn to develop his abilities to his fullest potential. Without the appropriate help to learn not only knowledge but the ability to make the most of a handicapped condition or to overcome a handicapped condition then those laws may as well not have been written.

218 Grand Avenue
Bridgeport, W. Va. 26330
July 17, 1979

Sub-Committee on the Handicapped
Room 108
Russell Senate Office Building
Washington, D. C. 20510

Dear Sir:

Special education is prescriptive education. According to Public Law 94-142, the individualized education plan is the prescription. The success in making a handicapped child as productive and independant as an adult as humanly possible relies heavily on the education he recieves; the same as a non-handicapped child.

I am extreemly concerned with the methods of evaluation, placement, and the IEP, least restrictive environment and free appropriate education in this county.

In many cases, especially where a child is physically handicapped or mentally retarded and the handicapp is apparent, the child is not evaluated fefore placing him/her. Students are being tested by unqualified persons and inappropriate tests are being administered. Where specific recommendations are made, they are not carried out and when a student is re-evaluated, often it shows that the student has regressed instead of progressed. Only those related services that are available are written on the IEP's. Often, they contain numbers, letters, and abbrevieations that the parent does not understand; the IEP is made in advance without input from the parent and generally only the parent, teacher and the Director of Special Education are present at the meeting. Related services, if they have to be provided by agencies other than the county school system are not implemented. Socially deprived students are placed in classes for the mentally retarded (as many as three children from one family) and any counseling they may have been receiving ceases.

With respect to placing a child in an educational setting in the community where he resides, this county has a strong tendancy to place them where it is convienent for them, rather than considering the student, regardless of the distance he/she has to travel. In fact, deliberate violations against the law is common. Another practice common in this county is placing students ages 13 to 20 years old in special education classes in elementary schools instead of referring them to vocational rehabilitation or the sheltered workshop. Needless to say, these students do not have an appropriate program to meet their needs.

Parents believe that the professional persons responsible for th their childs education are fulfilling his needs in every way possible. But when they become aware of the laws, regulations, rules, and standards, and realize that the educators are not providing for him. they are told that it is because Washington passes these laws but does not appropriate the funds to go along with them. And for those who never find out until it is too late, there is now another "lost child."

Public Law 94-142 is a good law. But it needs to be enforced and monitored more closely by persons who do not have conflicting interests.

I plan to testify at the hearings in Washington on July 26, 1979. I invite your questions and suggestions at this time.

Sincerely

Mrs John F. Oliverio

Mrs. John F. Oliverio
Harrison County Advocate for the
Developmentally Disabled and
Parent of a Handicapped Child

SHIRLEY BULKA - QUESTIONS

1. WHAT RESOURCES NOW EXIST IN YOUR COMMUNITY FOR INFORMING PARENTS OF HANICAPPED CHILDREN OF THEIR RIGHTS?

A SEARCH AND SERVE PROGRAM WAS THE MAIN SOURSE OF GETTING THE STUDENTS INTO SCHOOL, BUT NO PROGRAM OF INFORMING PARENTS OF THEIR RIGHTS FOLLOWED. THE ADVOCATES PROGRAM HAS BEEN THE PARENTS ONLY HOPE IF THEY BECAME AWARE OF IT IN THE NEWSPAPER ADVERTISING.

THIS SCHOOL YEAR THE BOOKLET WHICH I PRESENTED TO THE COMMITTEE IS TO BE GIVEN OUT TO ALL PARENTS WHO HAVE CHILDREN IN SPECIAL EDUCATION. THERE IS CONCERN AMOUNG THOSE WHO HAVE SEEN THE DELAYS OR POSITIVE IGNORING STATE SCHOOL BOARD RECOMMENDATIONS THAT THIS MAY NOT BE FOLLOWED UP. THE NEW STATE SCHOOL SUPERINTENDANT FOR WEST VIRGINIA HAS SAID THE STATE WILL FUND A PROGRAM HEADED BY THE WEST VIRGINIA ADVOCATES FOR THE DEVELOPMENTALLY DISABLED TO EDUCATE PARENTS IN THEIR RIGHTS AND RESPONSIBILITIES. THIS WILL OF COURSE BE A LIMITED AMOUNT OF FUNDING THEREFORE IT WILL BE LIMITED IN ITS SCOPE. THESE OF COURSE ARE FUTURE PLANS WE CAN ONLY WAIT AND SEE HOW COMPLETE THEY WILL COVER THE MONSTEROUS TASK.

2. WHAT ROLE DO THE PUBLIC SCHOOLS PLAY IN DISPENSING THIS INFORMATION?

THE ANSWER TO # 1 INCOMPENSES THIS QUESTION.

3. IN YOUR OPINION, WHAT STEPS MIGHT BE TAKEN BY THE SCHOOL DISTRICTS IN YOUR AREA TO IMPROVE THIS INFORMATION SHARING PROCESS?

PARENTS THEMSELVES COULD HELP OTHER PARENTS TO UNDERSTAND. THE BIGGEST PROBLEM IS THE LACK OF CONFIDENCE THAT IS SHOWN BY THE SCHOOL SYSTEM FOR PARENTS. WE HAVE BEEN TOLD THAT WE SHOULD LEAVE EDUCATION TO THE EDUCATORS. AS PARENTS WE ARE EDUCATED IF NOT EDUCATORS AND ARE MORE CAPABLE IN THIS AREA THAN PROFESSIONALS. PARENTS TRUSTED WITH RESPONSIBILITY COULD BE TRAINED BY AN OUTSIDE ORGANIZATION SUCH AS THE WEST VIRGINIA ADVOCATES FOR THE DEVELOPMENTALLY DISABLED.

4. YOU HAVE EXPRESSED CONCERN WITH THE IDENTIFICATION PROCEDURES USED TO DIFFERENTIATE THE SLOW LEARNER FROM THE EDUCABLY MENTALLY RETARDED. IN YOUR EXPERIENCE, WHAT TESTING PROCEDURES ARE USED FOR DETERMINING AND PLACING SUCH STUDENTS IN YOUR AREA?

A PARENT FROM A CLASS OF EMR'S TOLD ME SHE WAS CONCERNED BY THE PRESENCE OF SEVERAL CHILDREN IN HER DAUGHTERS CLASS WHO SEEMED NOT TO BELONG IN THAT CLASS. SHE BELIEVED THESE CHILDREN TO BE SLOW LEARNERS. SHE GAVE ME THE NAMES OF THESE STUDENTS AND I CONTACTED ALL STUDENTS IN THE CLASS. THERE ARE 3 WHO WERE POSSIBLE SLOW LEARNERS. ONE OF THESE WAS REFERRED TO WEST VIRGINIA UNIVERSITY CLINIS FOR TESTING. THE PARENTS WERE TOLD THE CHILD WAS SEVERLY RETARDED AND WOULD NOT GO BEYOND 8 YEARS OF AGE, THAT HE HAD BRAIN DAMAGE. THE PARENTS COULD NOT ACCEPT THIS NOR COULD I. I THEN REFERRED THE PARENTS TO THE WEST VIRGINIA UNIVERSITY, COLLEGE OF HUMAN RESOURCES AND EDUCATION, 504 ALLEN HALL, MORGANTOWN, WEST VIRGINIA, 26506. THIS IS A UNIVERSITY AFFILIATED CENTER FUNDED BY GRANTS BY THE FEDERAL GOVERNMENT AND A GROUP FREE OF CONFLICT OF INTEREST.

THE PARENTS WERE TOLD THE CHILD IS NOT RETARDED, HE IS A SLOW LEARNER. THERE ARE PROBLEMS, BUT WITH THE PROPER PLACEMENT HE CAN BE HELPED. ONE OF THE PROBLEMS WHICH HAS BEEN CREATED BY THE PLACEMENT OF THIS CHILD IN AN EMR CLASS AND REMAINING THERE FOR 3 YEARS IS THAT THE CHILD THINKS HE IS RETARDED. THIS WILL REQUIRE PSYCHOLIGICAL OR PSYCHIATRIC HELP. THIS WILL BE EXPENSIVE AND AN EXPENSE WHICH WILL HAVE TO BE PAID FOR BY THE SCHOOL SYSTEM. THE DOCTOR BELIEVES HE WAS FOUND IN TIME TO AVOID A LIFETIME OF FRUSTRATIONS.

THE OTHER TWO CHILDREN ARE BEING RECOMMENDED TO THE SAME UNIVERSITY AFFILIATED GROUP FOR EVALUATION..

THE CHILDREN'S DEFENSE FUND HAS JUST WON A MAJOR LEGAL VICTORY. ON FEBRUARY 22, 1979, THE CASE OF MATTIE T. V. HOLIADAY WAS SETTLED AND ONE OF THE REQUIREMENTS DEMANDED BY THE JUDGE WAS "NON-DISCRIMINATORY

TESTING. THE COURT ORDERED OUTSIED EXPERTS TO MAKE A THOROUGH ASSESSMENT OF AND MAKE CHANGES IN THE STATE'S SYSTEM OF CLASSIFYING AND PLACING HANDICAPPED CHILDREN, WITH THE GOAL OF REDUCING, AT LEAST BY HALF, THE DISPROPORTIONATE PLACEMENT OF MINORITY CHILDREN IN CLASSES FOR THE MENTALLY RETARDED. THIS STEP IS TO BE FOLLOWED BY AN INTENSIVE TWO-YEAR TEACHER TRAINING PROGRAM."

THIS SAME CASE COULD BE APPLIED TO WEST VIRGINIA. IT WOULD SAVE MANY CHILDREN FROM IMPROPER PLACEMENT IF AN OURSIDE AGENCY WAS REQUIRED TO DO THE TESTING ON ALL CHILDREN. THE UNIVERSITY AFFILIATED CENTER IS BEING FUNDED BY THE FEDERAL GOVERNMENT. AN INCREASE IN FUNDS TO THESE CENTERS (THERE ARE APPROXIMATELY 45 NATIONALLY) WOULD SAVE DOLLARS BEING LOST TO IMPROPER PLACEMENT BY LOCAL EDUCATIONAL PROCEEDURES.

I HONESTLY BELIEVE FROM WHAT I HAVE SEEN AS AN ADVOCATE, THE STUDENTS NOW IN SPECIAL EDUCATION IN HARRISON COUNTY, WEST VIRGINIA SHOULD ALL BE REEVALUATED BY THIS CENTER. THERE ARE MANY WHO ARE RETARDED & ARE IN THE WRONG PROGRAMS. THE UNIVERSITY AFFILIATED CENTER DOES NOT STOP AT THE EVALUATION BUT FOLLOWES THE STUDENT INTO THE SCHOOL SYSTEM, SITTING IN ON THE TSP. THIS IS DRASTICALLY NEEDED.

AN INCREASE OF FUNDS TO THE ADVOCACY PROGRAMS IN THE STATES WOULD ALSO GIVE MORE HELP TO THE PARENTS.

5. AT PRESENT, WHAT OPPORTUNITIES ARE DENIED THE HANDICAPPED STUDENT PLACED IN A CLASS FOR THE EDUCABLY MENTALLY RETARDED?

THE MOST IMPORTANT OPPORTUNITY IS THE RIGHT TO BE CLASSIFIED NORMAL IN THEIR INTELLIGENCE. IT IS MY SINCERE BELIEF THAT A CHILD WHO IS PLACED IN A CLASS OF RETARDED STUDENTS WHEN HE IS NOT RETARDED IS BEING DISCRIMINATED AGAINST. IF A CHILD CANNOT SEE, HEAR, SPEAK PROPERLY OR IS PHYSICALLY HANDICAPPED IS THIS NOT ENOUGH OF A BURDEN? MUST HE ALSO BE TORMENTED BY THE WORD RETARDED USED MOCKINGLY AGAINST HIM? IF A CHILD IS RETARDED HE NEEDS TO BE TAUGHT IN SPECIAL WAYS

WHICH ARE DIFFERENT FROM OTHER HANDICAPS. LET THE CHILD WITH NORMAL INTELLIGENCE BE IN CLASSES WITH CHILDREN WITH NORMAL INTELLIGENCE. THEY MAY REQUIRE TIME ASIDE FOR THEIR PARTICULAR HANDICAP THESE CAN BE WORKED OUT ON THEIR TERMS.

6. WHAT TYPE OF GRADUATION CERTIFICATION IS PROVIDED FOR HANDICAPPED CHILDREN SERVED IN VARIOUS EDUCATIONAL ENVIRONMENTS, E.G. PUBLIC SCHOOL, SPECIAL CLASS, RESIDENTIAL PLACEMENTS?

A REGULAR HIGH SCHOOL DIPLOMA IS GIVEN FOR PUBLIC SCHOOL AND SPECIAL CLASS. AS FOR RESIDENTAL PLACEMENT OUR SPECIAL EDUCATION DIRECTOR WAS NOT ABLE TO ANSWER. FROM MY OWN EXPERIENCE IN MARYLAND OUR SON WAS NOT GIVEN A REGULAR HIGH SCHOOL DIPLOMA BUT WAS GIVEN A CERTIFICATION OF COMPLETETION OF 2 YEARS OF VOCATIONAL TRAINING. PRIOR TO THAT HE HAD BEEN IN AN UNGRADED ACADEMIC BOARDING SCHOOL WHICH ALSO TRAINED FOR EVERY DAY LIVING SKILLS. AS A PARENT I AM VERY PLEASED WITH THIS, AFTER ALL HE DOES NOT HAVE THE MENTAL CAPACITY TO PASS WHAT WOULD BE CONSIDERED A HIGH SCHOOL EQUAVILIANCY TEST. IN DEFERENCE TO MY OTHER 5 CHILDREN I BELIEVE THERE MUST BE A MEANS WHEREBY EACH CHILD IS TREATED AS AN INDIVIDUAL.

7. AMONG THE VARIOUS TYPES OF CERTIFICATION AWARDED HANDICAPPED STUDENTS WHAT RESTRICTIONS ARE THERE WITH RESPECT TO COLLEGE ADMISSION OR EMPLOYMENT?

OBVIOUSLY NONE IF ALL DIPLOMAS ARE THE SAME. IT PLACES THE RESPONSIBILITY OF CHECKING ON SCHOOL RECORDS TO DETERMINE THE LEVEL OF INDIVIDUAL ACADEMIC ACHIEVEMENT WITH THE COLLEGE OR EMPLOYERS.

OUR SON IS WORKING AS A CUSTODIAL ASSISTANT. HE IS VERY GOOD AND HIS EMPLOYERS ARE VERY PLEASED WITH HIM. HE HAS BEEN SPECIFICALLY TRAINED FOR THIS WORK. HE WORKS ONLY 3 HOURS A DAY BECAUSE THE PEOPLE FOR WHOM HE WORKS (THE HARRISON COUNTY CATHOLIC SCHOOL SYSTEM) CANNOT AFFORD TO GIVE HIM MORE

HOURS ON THE JOB EVEN THOUGH THEY HAVE LOTS OF WORK TO BE DONE, THE WORK IS DONE BY PRIORITY. HOW MANY CUSTODIANS ARE SPECIFICALLY TRAINED FOR THIS WORK? IT IS USUALLY DONE BY THE UNEDUCATED AND UNTRAINED WHO ARE UNABLE TO GET ANYTHING ELSE OR PEOPLE WHO ARE USING IT AS THE LAST RESORT UNTIL THEY CAN GET ANOTHER JOB.

8. AT THIS POINT, WHAT VOCATIONAL EDUCATION OPPORTUNITIES ARE AVAILABLE TO HANDICAPPED STUDENTS?

MY EXPERIENCE HAS BEEN LITTLE YET ONE BLIND STUDENT I KNOW WAS REFUSED SHOP BECAUSE THERE WAS NOT AN INSTRUCTOR WHO COULD OR WOULD TAKE THE RESPONSIBILITY TO TEACH HIM. ANOTHER CASE WAS A YOUNG TEACHER WHO CALLED ME BECAUSE HE WAS WRITING THE IEP'S FOR HIS CLASS. HE WAS CONCERNED BECAUSE HIS STUDENTS WHO ARE CLASSIFIED AS BEHAVIORIAL DISORDER WOULD NOT BE ABLE TO RECEIVE VOCATIONAL TRAINING AND HE KNEW THAT MOST OF THEM WOULD DROP OUT OF SCHOOL AT 16 YEARS OF AGE AND NOT HAVE A MEANS TO SUPPORT THEMSELVES. NOTE I SAID HE WAS WRITING THEIR IEP'S. THIS WAS ANOTHER CONCERN OF HIS THAT HE WAS DIRECTED TO WRITE THESE HIMSELF AND PRESENT THEM TO THE PARENTS WHEN THEY CAME FOR THEIR APPOINTMENTS. THIS IS A POLICY WHICH HAS GONE ON IN OUR COUNTY SINCE ITS INCEPTION.

## QUESTIONS

FAPE QUESTIONS

1. WHAT IS YOUR UNDERSTANDING OF THE TERM "FREE APPROPRIATE PUBLIC EDUCATION?"

EDUCATION ITSELF BEGINS AT BIRTH FOR ALL OF US. THE NORMAL CHILD (PHYSICALLY, MENTALLY NORMAL FROM A GOOD HOME ENVIREMENT) WILL LEARN AND BE READY FOR FORMAL EDUCATION WHEN S/HE REACHES THE "FORMAL SCHOOL AGE". CHILDREN WHO ARE BORN PHYSICALLY OR MENTALLY HANDICAPPED MUST BE GIVEN OUTSIDE HELP. MOST PARENTS CAN NOT AFFORD AND MANY PAREENTS DO NOT KNOW THIS. A FREE APPROPRIATE EDUCATION FOR SOME MAY BEGIN AT BIRTH.

2. AS A PARENT OF A HANDICAPPED CHILD CAN YOU TELL US WHAT, IF ANY, PROGRAMS ARE OFFERED BY YOUR SCHOOL DISTRICT TO NONHANDICAPPED CHILDREN BUT NOT TO HANDICAPPED CHILDREN?

MOST STUDENTS DO NOT RECEIVE PE, MUSIC, FIELD TRIPS, COMPETETIVE SPORTS, OR EXTRA CURRICULAR ACTIVITIES. SUMMER SCHOOL (ACHADEMIC) CLASSES ARE NOT OFFERED EVEN THOUGH THE PROGRAM FOR REGULAR STUDENTS HAS A FEE, THIS SHOULD ALSO BE OFFERED TO HANDICAPPED STUDENTS.

3. WHAT IMPACT HAS PUBLIC LAW 94-142 HAD TO DATE ON THE QUALITY AND QUANTITY OF SCHOOL SERVICES PROVIDED THE HANDICAPPED BY YOUR SCHOOL DISTRICT?

AFTER THE SEARCH AND SERVE WHICH BROUGHT THE STUDENTS INTO THE SYSTEM MANY STUDENTS HAVE HAD LITTLE MORE THAN A RIDE TO AND FROM SCHOOL. THERE ARE TWO I KNOW WHO WERE NOT GIVEN BUS TRANSPORTATION. PARENTS WERE NOT INFORMED OF THEIR RIGHTS AND IN 1972 OUR HARRISON COUNTY,WEST VIRGINIA BOARD OF EDUCATION VOTED THAT IF ANY CHILDREN HAD TO BE BUSED IT WOULD BE THE SPECIAL EDUCATION STUDENTS BECAUSE THEIR PARENTS TENDED TO MOVE MORE OFTEN THAN PARENTS WITH NORMAL STUDENTS. THIS WAS REAFIRMED AT A MEETING ON JUNE 6, 1979, WHEN I MADE THE REQUEST THAT SINCE THERE WERE ENOUGH EMR'S IN ONE SCHOOL DISTRICT TO MAKE A CLASS AVAILABLE RATHER THAN CONTINUE TO BUS THEM OUT.

FAPE QUESTIONS CONT'D.

THE PROCEDURES FOR EVALUATIONS ARE VERY POOR AND DISCRIMINATE AGAINST THE SLOW LEARNER, THE PHYSICALLY HANDICAPPED AND ALL RETARDED STUDENTS SINCE THEY ARE NOT PLACED ACCORDING TO THEIR INDIVIDUAL NEEDS.

4. SINCE THE ENACTMENT OF PUBLIC LAW 94-142 WHAT PROGRESS HAS BEEN MADE AND WHAT PROBLEMS REMAIN WITH RESPECT TO THE IDENTIFICATION, DIAGNOSIS, AND PLACEMENT OF HANDICAPPED CHILDREN?

THE FINDING OF THE CHILDREN OF ALL AGES SEEMS TO BE COMPLETE, AT LEAST IN SO FAR AS EFFORT ON THE PART OF THOSE IN AUTHORITY. THE DRASTIC NEED IS FOR UNBIASED DIAGNOSIS BY AN ORGANIZATION SUCH AS THE UNIVERSITY AFFILIATED CENTERS. THERE ARE APPROXIMATELY 45 OF THESE NATIONALLY, FUNDED BY FEDERAL GRANTS. THESE CENTERS CAN GIVE SERVICE NOT ONLY IN DIAGNOSING THE STUDENT BUT FOLLOW THROUGH TO THE TSP, IEP AND IIP. THIS IS URGENTLY NEEDED SINCE THE ONLY OTHER MEANS FOR HELP OUTSIDE THE SYSTEM ITSELF IS THROUGH THE ADVOCATES PROGRAMS WHICH ARE VERY SMALL AND LIMITED IN FUNDING. THERE IS AN ADVANTAGE ON BOTH SIDES. THE PARENTS WILL HAVE SOMEONE WITHOUT CONFLICT OF INTEREST AND THE FEDERAL GOVERNMENT WILL SAVE ON STUDENTS WHO ARE MISDIAGNOSED AND MISPLACED AND NEVER FOUND.

5. TO YOUR KNOWLEDGE ARE THERE ANY STATE OR LOCAL LIMITS ON THE AMOUNT OF REIMBURSEMENT THAT PARENTS MAY RECEIVE FOR PRIVATE SCHOOL PLACEMENT OR FOR COST OF RELATED SERVICES? IF THERE ARE SUCH LIMITATIONS, DO THEY CONFLICT WITH THE REQUIREMENT IN PUBLIC LAW 94-142 THAT A FREE APPROPRIATE EDUCATION BE PROVIDED TO EVERY HANDICAPPED CHILD BETWEEN THE AGES OF 5 AND 18?

ACCORDING TO OUR DIRECTOR OF SPECIAL EDUCATION THEY DO NOT REFER STUDENTS TO PRIVATE PLACEMENT. BEYOND THIS I CANNOT ANSWER THE QUESTION.

6. AS A PARENT OF A HANDICAPPED CHILD, HOW WOULD YOU RATE THE OVERALL EFFORT OF SCHOOL ADMINISTRATORS AND TEACHERS IN PROVIDING YOUR CHILD WITH A FREE APPROPRIATE PUBLIC EDUCATION?

MY CHILD IS OUT OF EDUCATION. BUT AS AN ADVOCATE WHO HAS WORKED WITH OR SPOKEN TO BETTER THAN 25 PARENTS IN HARRISON COUNTY I MUST SAY THE

FAPE QUESTIONS CONT'D.

SYSTEM ITSELF IS EXTREMELY LACKING. THERE ARE SOME VERY GOOD TEACHERS BUT THEIR HANDS ARE TIED BECAUSE THOSE IN AUTHORITY WILL NOT DO THEIR JOB RIGHT. OUR DIRECTOR OF SPECIAL EDUCATION IS MINIMAL IN MEETING HER REQUIREMENTS HER PERSONALITY AND LACK OF EMPATHY IS NOT WHAT IS NEEDED FOR ONE WHO MUST DEAL WITH PARENTS WHO HAVE SUCH **NEED OF** THESE REQUIREMENTS. THERE ARE TEACHERS WORKING UNDER THIS PERSON WHO ARE BETTER QUALIFIED IN ALL AREAS BUT WHO MUST SUFFER SEEING WHAT IS NOT BEING DONE. THERE HAVE BEEN PARENTS WHO HAVE MOVED FROM THE COUNTY AND STATE BECAUSE OF THE ATTITUDE TOWARD SPECIAL EDUCATION AND THE LAWS.

## QUESTIONS

### LRE QUESTIONS

1. WHAT DO YOU UNDERSTAND THE REQUIREMENTS OF PUBLIC LAW 94-142 TO BE REGARDING THE PLACEMENT OF HANDICAPPED CHILDREN IN LEAST RESTRICTIVE ENVIRONMENTS?

STUDENTS MAY BE MAINSTREAMED INTO NONACADEMIC SUBJECTS, LUNCH PROGRAMS, PHY. ED. MUSIC ETC. IF THEY HAVE LEARNING DISABILITY OR PHYSICALLY DISABILITY/THEY WILL RECEIVE EXTRA HELP IN THE PROBLEM AREAS AND REGULAR PLACEMENT FOR ALL OTHERS.

2. WHAT CHANGES HAVE OCCURRED WITH RESPECT TO THE PLACEMENT OF YOUR HANDICAPPED CHILD IN A LEAST RESTRICTIVE ENVIRONMENT AS REQUIRED UNDER PUBLIC LAW 94-142?

NOT HAVING A CHILD IN THE SYSTEM I CAN ONLY SAY VERY LITTLE IS BEING DONE IN THIS AREA. BASED ON CASES I HAVE WORKED WITH.

3. DOES YOUR CHILD SPEND ANY PART OF HIS DAY IN A REGULAR PROGRAM?

VERY FEW DO.

4. FOR WHAT ACTIVITIES IS YOUR CHILD INCLUDED IN THE REGULAR CLASS PROGRAM?

USUALLY LUNCH, MAYBE MUSIC.

5. DO YOU FEEL THE TIME SPENT IN THE REGULAR CLASS IS APPROPRIATE TO YOUR CHILD'S EDUCATIONAL NEEDS?

THE PARENTS OF THE TRAINABLE AND SEVERALY RETARDED DO NOT WANT THEIR OLDER CHILDREN MAINSTREAMED AT ALL. THE YOUNGER STUDENT'S PARENTS BETTER UNDERSTAND THE NEED. MOST PARENTS OF EMR STUDENTS WANT MAINSTREAMING.

6. DO YOU KNOW WHETHER THE REGULAR CLASS TEACHER RECEIVES ANY SPECIAL ASSISTANCE OR MATERIALS IN ORDER TO DEVELOP AN APPROPRIATE INDIVIDUALIZED PROGRAM FOR YOUR CHILD IN THE REGULAR CLASS?

FOR THE BLIND STUDENT I AM FAMILIAR WITH THERE IS AN AIDE ASSIGNED TO HIM. OTHER THAN THIS I KNOW OF NO OTHER.

LRE QUESTIONS CONT'D.

7. WHAT ARE THE DIFFERENCES IN CLASS SIZE BETWEEN THE REGULAR CLASS AND SPECIAL EDUCATION CLASS YOUR CHILD ATTENDS?

CLASSES IN SPECIAL EDUCATION HERE ARE KEPT AT NO MORE THAN 15 IN A SELF CONTAINED CLASS. I BELIEVE THERE ARE ABOUT 25 IN THE REGULAR CLASSES. THE AGE DIFFERENCE IS OUR CONCERN.

8. HAVE THERE BEEN ANY PROBLEMS WITH NONHANDICAPPED STUDENTS ACCEPTING HANDICAPPED CHILDREN IN THE REGULAR CLASSROOM?

DIFFERING STORIES. I THINK AGE HAS MORE TO DO WITH IT THAN ANYTHING. SOME YOUNGER STUDENTS DO WELL WHILE MIDDLE SCHOOL.AND HIGH SCHOOL SUFFER.

9. WHO IS PROVIDING THE MAJORITY OF EDUCATIONAL SERVICES FOR YOUR CHILD? DO YOU KNOW WHAT PROPORTION OF HIS EDUCATIONAL PROGRAM IS THE RESPONSIBILITY OF A

| | |
|---|---|
| --SPECIAL EDUCATION TEACHER | MAJORITY |
| --REGULAR CLASS TEACHER | SO SMALL AS NOT TO BE COUNTED |
| --CLASSROOM AIDE? | IF THERE IS ONE,CONSIDERABLE |

10..HOW WOULD YOU RESPOND TO THE CONCERN THAT SOME HANDICAPPED CHILDREN ARE BEING "DUMPED" INTO REGULAR CLASSROOMS AND THUS ARE RECEIVING FEWER EDUCATIONAL SERVICES THAN WOULD BE PROVIDED IN SELF-CONTAINED CLASSES OR RESIDENTIAL SETTINGS?

IN OUR PARTICULAR COUNTY AND THE MAJORITY OF THE 55 COUNTIES IN WEST VIRGINIA THERE IS NO PROBLEM WITH DUMPING. OUR PROBLEM IS IN DOING MORE THAN JUST BUSING THEM THERE AND BACK WITH UNQUALIFIED TEACHERS AND AIDES TO HELP. SERVICES ARE DENIED, RIGHTS ARE NOT TOLD, EVALUATIONS ARE POOR.

## QUESTIONS

IEP QUESTIONS

NOTE: IN ANSWERING THESE QUESTIONS I HAVE MADE ONE STUDENT OUT OF THE APPROXIMATE 25 WITH WHOM I HAVE DELT. SINCE I DO NOT HAVE A CHILD IN THE SYSTEM I THOUGHT THIS THE ONLY FAIR THING TO DO.

1. DOES YOUR CHILD HAVE AND IEP? WHAT'S AN IEP.

2. AT WHAT STAGE IN THE DEVELOPMENT OF THE IEP WERE YOU ENCOURAGED TO BECOME ACTIVELY INVOLVED? HOW WERE YOU ENCOURAGED TO BECOME ACTIVELY INVOLVED? HOW WERE YOU NOTIFIED?

NOT AT ALL. I WAS ENCOURAGED TO BECOME ACTIVELY INVOLVED BY THE WEST VIRGINIA ADVOCATES FOR THE DEVELOPMENTALLY DISABLED/WHEN THEY WERE GIVEN MY NAME BY ANOTHER PARENT. I WAS NOT NOTIFIED.

3. WHO COMPRISED THE IEP DEVELOPMENT TEAM FOR YOUR CHILD? WAS THE SPECIAL EDUCATION TEACHER INVOLVED IN THE DEVELOPMENT OF THE IEP?

MYSELF, THE TEACHER, & THE SPECIAL EDUCATION COORDINATOR. YES THE TEACHER WAS THERE. IT WAS ALREADY PREPARED FOR ME TO SIGN.

4. WERE ANY SOCIAL SERVICE AGENCIES WHICH MIGHT PROVIDE RELATED SERVICES TO YOUR CHILD INVOLVED IN THE DEVELOPMENT OF THE IEP?

NO

5. WERE YOUR CHILD'S IEP CONFERENCES SCHEDULED DURING REGULAR SCHOOL HOURS? DID YOU PARTICIPATE ACTIVELY IN THE DEVELOPMENT OF YOUR CHILD'S IEP?

NO

6. WHAT, IF ANY, PROBLEMS DID YOU ENCOUNTER AS A PARENT IN THE DEVELOPMENT OR IMPLEMENTATION OF YOUR CHILD'S IEP?

I WAS NOT NOTIFIED. A PAPER WAS SENT HOME FOR ME TO SIGN WHICH HAD THINGS WHICH THEY PLANNED TO DO FOR MY CHILD NEXT YEAR.

IEP QUESTIONS CONT'D.

7. WHAT FOLLOW-UP PROCEDURES WERE USED TO ENSURE THAT THE GOALS AND OBJECTIVES OF THE IEP WERE ACTURALLY CARRIED OUT IN THE CLASSROOM?

NONE THAT I KNOW OF.

8. IN YOUR OPINION, WERE THE SERVICES OF YOUR CHILD'S SCHOOL ADEQUATE TO IMPLEMENT THE PROVISION OF HIS IEP?

I GUESS SO SINCE THEY MADE THE DECISIONS.

9. DO YOU FEEL THE IEP REQUIREMENT STIPULATED BY PUBLIC LAW 94-142 HAS AFFECTED THE QUALITY OF THE EDUCATIONAL SERVICES AVAILABLE TO YOUR CHILD?

THEY TAKE MY CHILD TO SCHOOL AND BRING HIM HOME. I GUESS SO.

10. IN YOUR OPINION AS THE PARENT OF A HANDICAPPED CHILD HOW MIGHT THE PROCESS OF DEVELOPING AND IMPLEMENTING IEP'S BE IMPROVED?

YOU HAVE SAID MY CHILD SHOULD HAVE AN IEP. I WOULD LIKE TO KNOW ALL ABOUT WHAT YOU HAVE ASKED ME. WHO WILL GIVE ME THIS INFORMATION.

11. WHAT PROPORTION OF YOUR IEP DEALS WITH RELATED SERVICES, SUCH AS TRANSPORTATION, PHYSICAL THERAPY, ETC?

SHE GETS TRANSPORTATION TO SCHOOL AND GETS SPEECH THERAPY, AND PHYSICAL THERAPY IS THERE MORE?

12. IF YOU WERE GIVEN THE OPPORTUNITY TO AMEND THE FEDERAL REGULATIONS WHICH GOVERN THE IEP, HOW WOULD YOU CHANGE THEM?

FIRST I MUST UNDERSTAND THEM AND KNOW MY RIGHTS, THEN AND ONLY THEN CAN I TELL YOU IF IT NEEDS AMENDING.

NOTE: I HAVE TRIED TO ANSWER EACH QUESTION AS THE MAJORITY WOULD HAVE ANSWERED.

Rhonda Wharton

FAPE Questions

Question 1. What is your understanding of the term "free appropriate public education"?

Answer 1. The term "free appropriate public education" means an education to meet the unique needs of a handicapped child to help that child overcome his disabilities. To make the most of the child's abilities to his fullest potentials. To help the child accept his disabilities along with society accepting him.

Question 2. As a parent of a handicapped child can you tell us what, if any, programs are offered by your school district to nonhandicapped children but not to handicapped children.

Answer 2. To my daughter and multiply handicapped children like her it would to be an appropriate education. Physical education.

Question 3. What impact has Public Law 94-142 had to date on the quality and quantity of school services provided the handicapped by your school district?

Answer 3. The quality and quantity of school services has greatly improved but they need a great deal of improvement to go to provide the education handicapped children need.

Question 4. Since the enactment of Public Law 94-142 what progress has been made and what problems remain with respect to the identification, diagnosis and placement of handicapped children?

Answer 4. There has been progress in the identification, diagnosis and placement of handicapped children but for many the diagnosis procedures does not cover many handicapping conditions therefore children are being placed without being identified or diagnosed.

Question 5. To your knowledge are there any state or local limits on the amount of reimbursement that parents may receive for private school placement or for cost of related services? If there are such limitations, do they conflict with the requirement in Public Law 94-142 that a free appropriate education be provided to every handicapped child between the ages of 5 and 18?

Answer 5. To my knowledge there are no state or local limits on the amount of reimbursement that parents may receive for private school placement or for cost of related services.

Question 6. As a parent of a handicapped child how would you rate the overall effort of school administrators and teachers in providing your child with a free appropriate public education?

Answer 6. I believe there are school administrators and teachers who are making every effort to provide handicapped children a free appropriate education. But in other instances they are treating it very lightly and feel secure that their documentations of providing a free appropriate public education is sufficient enough.

IEP Questions

Question 1. Does your child have an IEP?

Answer 1. Yes, my daughter does have an IEP. It was written without an evaluation.

Question 2. At what stage in the development of the IEP were you encouraged to become actively involved? How were you notified?

Answer 2. Only in signing the IEP the first year my daughter was in school (1977). I had a fifteen minute discussion with the team. The instructions were already written up. At the end of the second year I forced an IEP which then it was decided to send my daughter out of State for an evaluation.

Question 3. Who comprised the IEP development team for your child? Was the special education teacher involved in the development of the IEP?

Answer 3. The first year (1977) the special education teacher was the only one who developed the IEP. The end of 1977 for the second year the teacher, the school psychologist who had no testing on Bobbie Jo, the special education director and myself discussed the IEP which was already written up the end of the 1978-79 school year. I called a member of the West Virginia Advocates for the Developmentally Disabled who sat in on a total service plan along with my daughter's teacher, the special education director, the school psychologist and myself. This is where the out of state evaluation was decided.

Question 4. Were any social service agencies which might provide related services to your child involved in the development of the IEP?

Answer 4. No.

Question 5. Were your child's IEP conferences scheduled during regular school hours? Did you participate actively in the development of your child's IEP?

Answer 5. Yes all of my daughter's IEP conferences were scheduled during school hours. I participated actively to where I was satisfied with my participation the end of 1978-79 school term.

Question 6. What if any problems did you encounter as a parent in the development or implementation of your child's IEP?

Answer 6. The first two years no related services were provided to my daughter. I was not told my daughter had rights to have related services. Since she is multiply handicapped she needs physical therapy, speech therapy and occupational therapy which none of these she receives. What was written on the IEP for implementation I was told by the teacher there was not enough time to implement most of it.

Question 7. What follow-up procedures were used to ensure that the goals and objectives of the IEP were actually carried out in the classroom?

Answer 7. None.

Question 8. In your opinion, were the services of your child's school adequate to implement the provision of his IEP?

Answer 8. No.

Question 9. Do you feel the IEP requirement stipulated by Public Law 94-142 has affected the quality of the educational services available to your child?

Answer 9. Yes to some extent. If IEP requirements were complied with I would be satisfied.

Question 10. In your opinion as the parent of a handicapped child how might the process of developing and implementing IEP's be improved?

Answer 10. In my opinion as a parent the written process of developing and implementing the IEP's needs no improvement. It is the actual physical development and implementing of the IEP's that needs improving. Maybe more rigid state standards.

Question 11. What proportion of your IEP deals with relative services such as transportation, physical therapy, etc.?

Answer 11. Only that transportation and 20 minutes of speech therapy twice is week is provided.

Question 12. If you were given the opportunity to amend the Federal regulations which govern the IEP, how would you change them?

Answer 12. I wouldn't change them. I would only enforce the consequences or put stricter consequences for non-compliance.

LRE Questions

Question 1. What do you understand the requirements of Public Law 94-142 to be regarding the placement of handicapped children in least restrictive environment?

Answer 1. Handicapped children shall be placed in regular class rooms with nonhandicapped children when the handicapped child can function in the regular classroom and benefit from this setting. Handicapped children shall be placed away from the regular school's and classroom only when it would disrupt or the handicapped child would not benefit in any way from this setting.

Question 2. What changes have occurred with respect to the placement of your handicapped child in a least restrictive environment as required under Public Law 94-142?

Answer 2. The school term 1978-79 my daughter's class was held in a regular public school. She attended a regular classroom of nonhandicapped early childhood children 10 minutes twice a week.

Question 3. Does you child spend any part of his day in a regular classroom?

Answer 3. Yes, she spent 10 minutes twice a week with eary childhood children.

Question 4. For what activities is your child included in the regular class program?

Answer 4. Reading stories and singing.

Question 5. Do you feel the time spent in the regular class is appropriate to your child's educational needs?

Answer 5. Yes.

Question 6. Do you know whether the regular class teacher receives any special assistance or materials in order to develop an appropriate individualized program for your child in the regular class?

Answer 6. No, the regular classroom teacher does not receive any special assistance or training.

Question 7. What are the differences in class size between the regular class and special education class your child attends?

Answer 7. Early childhood - 10, special education class - 9

Question 8. Have there been any problems with non-handicapped students accepting handicapped children in the regular class?

Answer 8. No.

Question 9. Who is providing the majority of educational services for your child? Do you know what proportion of his educational program is the responsibility of a
--special education teacher
--regular class teacher
--classroom aide?

Answer 9. The classroom aide is providing the majority of educational services for my child.

Question 10. How would you respond to the concern that some handicapped children are being "dumped" into regular classrooms and thus are receiving fewer educational services than would be provided in self-contained classes or residential settings?

Answer 10. I believe that the opposite of this exists.

Rhonda Wharton

Question 1. You describe a situation in which you daughter is not now receiving the special education services she requires. What services does she now receive?

Answer 1. Only transportation and speech therapy 20 minutes twice a week. It was requested through a speech evaluation she receive speech at least one hour 3 days a week and preferably 5 days a week.

Question 2. What services are recommended or appropriate for your child that she does not receive?

Answer 2. This will be decided at an out of state evaluation due in September 1979.

Question 3. In your opinion, since the enactment of Public Law 94-142, have the educational services provided for your daughter increased ordiminished? Has the quality of these services been noticably altered since the enactment of Public Law 94-142?

Answer 3. Services have increased slightly. No.

Question 4. Have you approcahed local school personnel and officials with your concerns about your child'seducational program? If so what has been the outcome of those transactions?

Answer 4. Yes I have approached local school personnel and officials with my concerns about my child's educational program not only for my child but for parents of other handicapped children. At times there would be no response, other times a positive response but no action.

Mrs. John Oliverio - Questions

1. What evaluation procedures are customarily used in the identification and evaluation of handicapped students?

   There is a remarkable difference between documentation, rules, regulations and standards and what is actually being done. Basically, these children have been grouped in classes on a visual contact with them. Most of the parents I have come in contact with do not even know what an evaluation on their child should consist of. Parents have signed consent forms for their child to be evaluated andin most cases, the evaluation or re-evaluation was never done. Where a "supposed" evaluation was performed, schools records I have seen consist of an I.Q. test. Also, parents, when asked, report that they are sure that the testing was done but they do not know the results.

2. In reference to my written statement on the qualifications of those performing the testing, a team of graduate students (COGGS) from Marshall University has been utilized. I will cite several cases where unsatisfactory results have been obtained and yet no other means have been suggested to parents by persons employed in the school system:

   (a) This childs mother sought an independant evaluation from Childrens Hospital National Medical Center in Washington, D.C. by Dr. Bruce Copeland, and two weeks later he was tested at the school by the COGGS team. His evaluation in Washington stated that although he was Down's Syndrome he could learn just like a normal child. According to the results of the tests done by the COGGS team, their recommendations were that the child remain in the trainable mentally retarded class. The child has been in an educable class for three years.

   (b) A mentally retarded child who cannot communicate verbally. This child was tested by COGGS in the spring of 1979. The test used required verbal answers. The results reported to the classroom teacher indicated that the child would not co-operate. The teacher did not inform the parents of the results of the test nor did she make arrangements for an appropriate evaluation.

   (c) A slow learner placed in an educable mentally retarded class on the recommendation of the school pshycologist, in 1976. This child was tested by COGGS in March of 1979 when they recommended that he remain where he was. The parents could not accept this decision so they proceeded with an independant evaluation. They took him to West Virginia University where they diagnosed him a severly braindamaged and retarded. Since this child is adopted, the parents at their own expense, hired a lawyer to research the possibility of something being reported on his birth records. He was then tested by the College of Human resources and Education, University Affiliated Center in Morgantown, W.Va. by a Dr. Dworkin where they recommended total mainstreaming with tutoring until he catches up.

The feedback we are getting from parents of handicapped children after they have been tested at West Virginia University is that the results are compared with the results of tests performed on 2500 normal children of the same age. Naturally, if a child has been misplaced for any length of time, based on the results of the evaluations from these two sources, he is going to "test out" as retarded. These results are entered into a childs school records and he is placed accordingly. Until reliable results can be obtained from these sources, I would highly recommend that they not be used.

2. What are the qualification of those performing the evaluations?

   Refer to the answers above.

3. In your experience with cases where a child might be served either through a special education or a compensatory education program, how is that determination of appropriate program made?

   In my daughters case, as is in most of this county, appropriate programs are determined by what is available rather than what is needed to meet a childs needs.

   Antoinette was placed on a homebound program because she was in a wheelchair, and the teachers did not want to or did not know how to cope with the situation; in 1973 when she was finally placed in a class for the physically handicapped with students whose mental capacities ranged from normal to severe retardation, their reasons were becasuse her attention span needed to be increased. After 5 years in this class and many complaints on the conditions and location fo the class (in the basement of a high school) she was placed in an educable mentally retarded class near where we live. During the summer of 1978, I had an evaluation done in Pittsburgh. They made specific recommendations so I asked for a new IEP. This was done on December 1, 1978. An attempt at an appropriate program was made based upon what was available.

   In another case of 21 year old male who had neve been to school, all that was required for him to be placed was that his shot records be brought up to date.

4. The firs IIP I can remember signing was in the spring of 1978, and it was already made up and just required my signature. Following that was the total service plan on Dec. 1, 1978. thos present were my husband, myself, the teacher, principal, a member of the board of education and the special education director, to this date, there has been an IIP written.

5. To your knowledge, what proportion of handicapped children in your community have been placed in educationally appropriate settings.

I cannot answer this question accurately, but considering age span and appropriate programs, I would say approximately 25% or less have been placed in appropriate settings.

6. When the team from the State Department of Education monitored this county, Rhonda Wharton, Shirley Bulka, and I talked with one of the team to inform them of the problesm we were encountereing here and we were told that they were looking more at documentation than at the actual implementation of the law. In other words, a student "could" have an IEP that was current and contained all the necessary information, but they do not follow through to the classroom to see if it is being implemented. The director of special education was asked to have parents there to speak to the team, but only parents who were not experienceing any problesm were asked.

The final report from the team contained thirty severe partial compliances out of fourty-three. A cover letter from the State Superintendant of Schools Office (Daniel B. Taylor) commended Harrison County on their efforts towards improving education for the Handicapped and this letter is what was made public in the newspaper. In turn it made the advocates appear as "lunatics" while at the same time parents whose children have never been evaluated and are not in appropriate programs thing that everything possible is being done for their child. Deep down, they know that the child is not progressing and they have been told that he has reached his level of learning, but they just don't believe that there would be any half truths or lies told to them.

I feel that the montiroing should be done directly by the federal government and should not rely on the documentation of the local and state education agencies. The teams should consist of parents in each area who are familiar with the problems. I realize that this would be a tremendous task in the beginning but in due time, there would be fewer and fewer problems and eventually could be handed back over to the state agencies.

PAPE QUESTIONS

1. **What is your understanding of the term "free appropriate public education?**

   My understanding of the term "free appropriate public education" is that a handicapped child will be educated at no cost to the parents and shall include any materials or equipment that he will need to develop him to his fullest potential.

2. **As a parent of a handicapped child can you tell us what, if any, programs are offered by your school district to nonhandicapped children but not to handicapped children?**

   Some programs offered to nonhandicapped children and not to handicapped children in this school district include physical education (adaptive), field trips, a program for learning life, social, and self-help skills, a summer program, participation in some non-academic programs, the right to take part in class plays or programs and sports. There are probably others that I am not aware of or have not thought of but these are the most prominent at the present time.

3. **What impact has Public Law 94-142 had to date on the quality and quantity of school service provided the handicapped by your school district?**

   Absolutely none what-so-ever.

4. Since the enactment of Public Law 94-142 what progress has been made and what problems remain with respect to the identification diagnosis, and placement of handicapped children?

   Refer to answers to questions 2 and 5 of my questions.

5. To your knowledge are there any state or local limits on the amount of reimbursement that parents may receive for private school placement or for cost of related services? If there are such limitations, do they conflict with the requirements in Public Law 94-142 that a free appropriate education be provided to every handicapped child between the ages of 5 and 18.

   To the best of my knowledge, there are some students in this county being served at Romney School for the Blind and Colan Anderson in St. Mary's, W. Va. There are no students being served outside the state between the ages of 5-23. There is no information available as to the procedure for payment for these children. I do know that if a parent obtains an independant evaluation or if related services other than what the county provides are necessary, it is at the parents expense.

6. As a parent of a handicapped child, how would you rate the overall effort of school administrators and teachers in providing your child with a free appropriate public education?

   As a parent of a handicapped child, I would have to rate the efforts of the administrative personnel and the teachers very low on a scale of 0-10. It seems that they work harder trying to get out of doing it than they would going ahead and doing it right.

## LRE QUESTIONS

1. What do you understand the requirements of Public Law 94-142 to be regarding the placement of handicapped children in the lease restrictive environment?

   Lease restrictive environment means in a setting as near to normal as possible to meet his/her needs. In other words, if a child can be totally mainstreamed he should be; or it could be necessary for a student to be in a self-contained class with interaction only in the non-academic areas or on a social basis.

2. What changes have occured with respect to the placement of your handicapped child in a least restrictive environment as required under Public Law 94-142.

   Very little. She was transferred from a self-contained class to an educable class and mainstreamed into four non-academic classes. In one out of four she sat and watched but did not participate; and one of the four was cancelled more often than it was held.

3. Does your child spend any part of his day in a regular class program?

   Yes.

4. For what activities is your child included in the regular class program?

   In social studies and health class she was included in all activities. I will say that in special ed class she was on a second grade reading level while she was mainstreamed in to fourth grade classes. This improved her reading skill tremendously. Physical education and music are the classes referred to in question # 2.

5. Do you feel the time spent in the regular class is appropriate to your child's educational needs?

   Most definitely. Since Antoinette's evaluation shows mild menal retardation due to deprivation of education, I feel that had she been in a regular classroom from the beginning she would be functioning on a normal or more of a slow learners level now.

6. Do you know whether the regular class teacher receives any special assistance or materials in order to develop an appropriate individualized program for your child in the regular class?

   Information not available.

7. What are the differences in class size between the regular class and special education class your child attends?

The normal class size for non-handicapped children is approximately 25 students. In my daughters class there were 12 students: one totally blind; 2 physically handicapped, Educalbles, trainables, other health impaired and slow learners. The age span was nine to twenty years and the teacher was beyond retirement age.

8. Have there been any problesm with nonhandicapped students accepting handicapped children in the regular classroom?

Not to my knowledge. There will always be a few in a school who will not accept someone who is different than they are, but I feel that they then have a problem that should be dealt with on a personal basis.

9. Who is providing the majority of education services for your child. Do you Know what proportion of his educational program is the responsibility of a
----Special education teacher
----regular class teacher
----classroom aide?

Service for my child are provided by all three. As for the second part of the question, I do not know, but I would be very interested in knowing since at one school, the aide only takes care of the personal needs of the students while in other classes the aide is teaching the students.

10. How would you respond to the concern that some handicapped children are being "dumped" into regular classrooms and thus are recieving fewer educational services than would be provided in self-contained classes or residential settings?

I am more concerned with the fact that children are being "dumped" into special education classes and are recieving only the services that are available rather than those that are needed. One instance of this is a child in my daughters class that came from a home where the family was underpriviledged and there were many problesm and it affected this child, as with two other children in the family. These children were placed in special education in an educable class and since the special education department does not have its own counserlors, they do not recieve any services other than what is provided by the teacher.

IEP QUESTIONS

1. Does your child have an IEP?

   Antoinette has an IIP written at the end of the 1977-78 school term, and a Total Service Plan as of December 1, 1978 but it has not been followed with an Individualized Implementation Plan.

2. At what stage in the development of the IEP were you encouraged to become actively involved? How were you notified?

   In a couple of instances, the parents wrote the childs Total Service Plan and then it was copied over at the IEP meeting. I was never encouraged to participate by the school system. It was only through the counseling of the Advocacy office in our state that I knew I was supposed to have input into the development of the IEP. I was notified at the end of this school year (1978-89) that it was time to develop the IIP, but since they refused to tell me where her class would be located next year, and I felt that this would have a direct bearing on what the IIP should contain, such as the programs, accessability, ect., I refused. The notification was in the form of a written notice.

3. Who comprised the IEP development team for your child? Was the special education teacher involved in the development of the IEP?

   Those present for the Total Service Plan were the teacher, the special education director, the principal, a member of the Board of education, two advocates, my husband, and myself.

4. Were any social service agencies which might provide related services to your child involved in the development of the IEP?

   NO

5. Were your child's IEP conferences scheduled during regular school hours? Did you participate actively in the development of your childs IEP?

   Yes;
   In the Total Service Plan I did.

6. Where Antoinette would benefit more from the service of an occupational therapist, I was told she would have to "settle for a physical therapist because this county would never have both. Also that I should provide for her socialization outside the classroom. I feel that school personell were reluctant to have the meeting in the first place since they were not even prepared for it. When we were all assembled at the scheduled time at the school, there was no room available. Ironically, Antoinettes' phys-ed class, which I had never known her to have before, was canceled so that we could use the multipurpose room for the meeting. It was decided that her school day would be changed from 9:30-1:3- to 8:00 -

2:30, the same as for nonhandicapped students. As far as implementing the program, it was either stretched to the limits or not implemented at all. Niether physical therapy nor occupational therapy were ever provided and the bus picked her up at 5 minutes till 8 and her classes ended at 2:00 so that she could be readied for the bus to pick her up at 2:10-2:20. They did let her have lucnh with any group of students she desired, instead of her class for socialization and although the Total Service Plan stated that she would be mainstreamed for one class immediately and more later if she tolerated that one well enough they mainstreamed her into four immediately.

7. What follow-up procedures were used to insure that the goals and objectives of the IEP were actually carried out in the classroom?

   None that I know of other than my own.

8. In your opinion, were the services of your child's school adequate to implement the provision of his IEP?

   No

9. Do you feel the IEP requirement stipulated by Public Law 94-142 has affected the quality of the educational services available to your child?

   It would if these requirements were being met.

10. In your opinion as the parent of a handicapped child how might the process of developing and implementing IEP's be improved?

    I am really not sure. My biggest concern is for the student who is misplaced; when he becomes bored and frustrated and develops behavior problems, the teacher then becomes frustrated and the child does not progress and then the parents become frustrated. The parents are not informed of the laws and do not know of their child's rights. The teachers fear that they might loose their jobs if they try to do anything. The "right to privacy act" prevents the advocates from finding the child and parents and assisting them. It might help if at least one of the administrative personell were handicapped. Perhaps, an IEP team could be formed, where the only duties they have would be concerning the evaluations and the development of the IEP. As I have stated in my other responses to your questions, the parent is asked to come in and sign an IIP that is often made up in advance. A separate IIP for speech therapy is the only one made up in addition to the one that the special education teacher writes.

11. What proportion of your IEP deals with related services, such as transportation, physical therapy, ect?

    The only services that the TSP contained were transportation and physical therapy.

12. If you were given the opportunity to amend the Federal regulations which govern the IEP, how would you change them?

    At the present time, I don't believe I would change the Federal Laws which govern the IEP, just enforce them.

James M. and Rosabell McCallum
715 Penna Avenue
Bridgeport, West Virginia 26330

LRE Questions

Question 1. What do you understand the requirements of Public Law 94-142 to be regarding the placement of handicapped children in the least restrictive environment?

Answer 1. I don't know.

Question 2. What changes have occurred with respect to the placement of your handicapped child in a least restrictive environment as required under Public Law 94-142?

Answer 2. None. He is in an EMR class.

Question 3. Does your child spend any part of his day in a regular classroom?

Answer 3. No.

Question 4. For what activities is your child included in the regular class program?

Answer 4. None.

Question 5. Do you feel the time spent in the regular class is appropriate to your child's needs?

Answer 5. No. He is not attending any regular classes.

Question 6. Do you know whether the regular class teacher receives any special assistance or materials in order to develop an appropriate individualized program for your child in the regular class?

Answer 6. No.

Question 7. What are the difference in class size between the regular class and special education class your child attends?

Answer 7. I don't know.

Question 8. Have there been any problems with non-handicapped students accepting handicapped children in the regular classroom?

Answer 8. Yes. (I expect teachers to educate their students to accept handicapped children. My son has been teased by regular classroom students. Also the teachers should be educated to accept these children.)

Question 9. Who is providing the majority of educational services for your child? Do you know what propor tion of his educational program is the responsibility of:

Special education teacher,
Regular class teacher,
Classroom aide?

Answer 9. I do not think the teacher in this class is qualified to teach all of those classifications of children with learning differences. I also think the aide helped these children in the past year more than the teacher. He does not see a regular teacher.

Question 10. How would you respond to the concern that some handicapped children are being "dumped" into regular classrooms and thus are receiving fewer educational services than would be provided in self-contained classes or residential settings?

Answer 10. I do not believe there are handicapped children being dumped in regular classes. I think these children are being dumped into one classroom so no one has to be bothered with them. Also I think this class is being used as a cop out so other teachers don't have to do their job.

IEP Questions

Question 1. Does your child have an IEP?

Answer 1. No.

Question 2. At what stage in the development of the IEP were you encouraged to become actively involved? How were you notified?

Answer 2. No. He is being re-evaluated at our request.

Question 3. Who comprised the IEP development team for your child? Was the special education teacher involved in the development of the IEP?

Answer 3. I was not fully aware of what IEP was until the advocate explained it to me. Yes, the classroom teacher and supervisor were present last year. I was never informed my rights as a parent. The service was set up by teacher and supervisor. All they actually wanted from me was my signature to keep him in this EMR class.

Question 4. Were any social service agencies which might provide related services to your child involved in the development of your child's IEP?

Answer 4. No.

Question 5. Were your child's IEP conferences scheduled during regular school hours? Did you participate actively in the development of your child's IEP?

Answer 5. No. No.

Question 6. What, if any, problems did you encounter as a parent in the development or implementation of your child's IEP?

Answer 6. My desires for proper services for my child was ignored.

Question 7. What followup procedures were used to insure that the goals and objectives of the IEP were actually carried out in the classroom?

Answer 7. None that I know of.

Question 8. In your opinion were the services of your child's school adequate to implement the provisions of his IEP?

Answer 8. No.

Question 9. Do you feel the IEP requirements stipulated by Public Law 94-142 has affected the quality of the educational services available to your child?

Answer 9. Now that I understand the laws, the IEP requirements are not being followed.

Question 10. In your opinion as the parent of a handicapped child how might the process of developing the implementing IEP's be improved?

Answer 10. Proper evaluations by qualified people and not a pack of promises which are not kept.

Question 11. What proportion of your IEP deals with related services such as transportation, physical therapy, etc.?

Answer 11. None, for 3 years no one told me he was to have transportation. I have driven him to and from school every day.

Question 12. If you were given the opportunity to amend Federal regulations which govern the IEP, how would you change them?

Answer 12. I would replace the supervisory personnel with some one who has these children's interest at heart and not for the pay check they receive with the tax payers money.

FAPE Questions

Question 1. What is your understanding of the term "free appropriate public education"?

Answer 1. Equal education with more individual attention.

Question 2. As a parent of a handicapped child can you tell us what, if any, programs are offered by your school district to nonhandicapped children but not to handicapped children?

Answer 2. Yes, physical education, boy scouts, little league sports, school activities such as plays, dancing, music band, field trips, etc.

Question 3. What impact has Public Law 94-142 had to date on the quality and quanity of school services provided the handicapped by your school?

Answer 3. None.

Question 4. Since the enactment of Public Law 94-142 what progress has been made and what problems remain with respect to the identification, diagnosis and placement of handicapped children?

Answer 4. None. My child has been misplaced. We have found out he is a slow learner and not retarded. Also I believe there are other children in this class who have been misplaced.

Question 5. To your knowledge are there any State or local limits on the amount of reimbursment that parents may receive for private school placements or for cost of related services? If there are such limitations, do they conflict with the requirement in Public Law 94-142 that a free appropriate education be provided to every handicapped child between the ages of 5 and 18?

Answer 5. No. If there is it is top secret.

Question 6. As a parent of a handicapped child, how would you rate the overall effort of school administrators and teachers in providing your child with a free appropriate public education?

Answer 6. On a scale of 0-10 it would amount to 0. If anything they have harmed my child instead of helping him. He hasno confidence in his self, and they have made him believe he is retarded. He was placed in this class because he was a slow learner. This is what we were told. Instead he is placed in the EMR class in which we were never informed at the time it was a class for retardation.

Kathleen Hannas
Route 2, Box 739
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LRE Questions

Question 1. What do you understand the requirements of Public Law 94-142 to be regarding the placement of handicapped children in least restrictive environments?

Answer 1. My understanding is that handicapped children should be placed in a class, as close to their home as possible, which is easily accessible for them, in which they will learn to the fullest extent of their capabilities and be able to participate in various activities.

Question 2. What changes have occurred with respect to the placement of your handicapped child in a least restrictive environment as required under Public Law 94-142?

Answer 2. My child, who is in a wheelchair, was moved from a physically handicapped class into an EMR class in an elementary school which has children of at least six classifications of problems and is taught by one teacher and one aide. She goes to the lunchroom for lunch, but is kept separate in their little class group. She, also, has been mainstreamed into regular classrooms for music on occasion.

Question 3. Does your child spend any part of his day in a regular classroom?

Answer 3. Yes

Question 4. For what activities is your child included in the regular classroom?

Answer 4. She goes to regular classroom for music, not more than once a week.

Question 5. Do you feel the time spent in regular class is appropriate to your child's educational needs?

Answer 5. No.

Question 6. Do you know whether the regular class teacher receives any special assistance or materials in order to develop an appropriate individualized program for your child in the regular class?

Answer 6. I'm certain she does not.

Question 7. What are the differences in class size between the regular class and special education class your child attends?

Answer 7. The regular class is twice the size of her EMR class.

Question 8. Have there been any problems with nonhandicapped students accepting handicapped children in the regular classroom?

Answer 8. Not that I am aware of.

Question 9. Who is providing the majority of educational services for your child? Do you know what proportion of his educational program is the responsibility of a:

Answer 9. 20% special education teacher
0 regular class teacher
80% classroom aide

Questions 10. How would you respond to the concern that some handicapped children are being "dumped" into regular classrooms and thus are receiving fewer educational services than would be provided in self-contained classes or residential settings?

Answer 10. My opinion is that these special children should be placed very carefully, as they need so much special attention in the classroom, which means individualized teaching. The majority of instances the handicap is not physical alone, but includes learning problems, also. Right now there are many whose problems are so much greater because they have lost out on so much that they may never catch up to the educational level they should be. So when you take these children and place them into a regular class, if you place them by age, they are too far behind in learning and if you place them according to their knowledge, they are so much different, not just their handicap, but their size, so they just don't fit in.

At this time my position is that these children should be where they can learn as much about everyting as quickly as possible, as they (the older ones) are already so far behind. It would be different with the younger children (3-6 years old) and only physically handicapped, but I feel that a central facility, where these children can be separated according to ability and taught accordingly, is more sensible, than scattering them all over the county and demanding that each child be taught individually according to their widely varying abilities and needs, just so they can be with "normal" children. I want my child to learn all possible in school, then I will see to it that she is with "normal" children.

FAPE Questions

Question 1. What is your understanding of the term "free appropriate public education"?

Answer 1. That each child will receive an education as complete as their abilities will permit, and it will be according to the needs of the individual child.

Question 2. As a parent of a handicapped child can you tell us what, if any, programs are offered by your school district to nonhandicapped children but not to handicapped children?

Answer 2. I know of no programs whatsoever offered to the handicapped children.

Question 3. What impact has Public Law 94-142 had to date on the quality and quantity of school services provided the handicapped by your school district?

Answer 3. I'm not aware of any particular change in service since 1974 when the class for physically handicapped was started, although in 1978 my child was transferred to EMR class, where she learned more in one year than in the four pervious years put together. I can't say that improved services were the reason.

Question 4. Since the enactment of Public Law 94-142 what progress has been made and what problems remain with respect to the identification, diagnosis and placement of handicapped children?

Answer 4. In regard to identification there seems to be a lack of cooperation between the Board of Education and other local agencies which could be very helpful. In diagnosis, I feel the testing used on my own child, in particular, was not appropriate, as she has a visual impairment as well as hearing problems. With placement, I feel that these children are placed according to convenience of the Board of Education instead of the needs of the child. There are too many children placed in a situation in which they do not get the individual attention required for them to achieve their greatest potential.

Question 5. To your knowledge are there any State or local limits on the amount of reimbursement that parents may receive for private school placement or for cost of related services? If there are such limitations, do they conflict with the requirement in Public Law 94-142 that a free appropriate education be provided to every handicapped child between the ages of 5 and 18?

Answer 5. I know nothing of such provisions.

Question 6. As a parent of a handicapped child, how would you rate the overall effort of school administrators and teachers in providing your child with a free appropriate public education?

Answer 6. Rating on a scale of 0-10, I would give them a possible 1. The administrators do what they must to "get-by". The teacher is admittedly unqualified, especially in the area of my daughter's visual impairment.

## QUESTIONS

### IEP QUESTIONS

1. Does your child have an IEP?

2. At what stage in the development of the IEP were you encouraged to become actively involved? How were you notified?

3. Who comprised the IEP development team for your child? Was the special education teacher involved in the development of the IEP?

4. Were any social service agencies which might provide related services to your child involved in the development of the IEP?

5. Were your child's IEP conferences scheduled during regular school hours? Did you participate actively in the development of your child's IEP?

6. What, if any, problems did you encounter as a parent in the development or implementation of your child's IEP?

7. What follow-up procedures were used to ensure that the goals and objectives of the IEP were actually carried out in the classroom?

8. In your opinion, were the services of your child's school adequate to implement the provision of his IEP?

9. Do you feel the IEP requirement stipulated by Public Law 94-142 has affected the quality of the educational services available to your child?

10. In your opinion as the parent of a handicapped child how might the process of developing and implementing IEP's be improved?

11. What proportion of your IEP deals with related services, such as transportation, physical therapy, etc.?

12. If you were given the opportunity to amend the Federal regulations which govern the IEP, how would you change them?

IEP QUESTIONS

1. No. After 4 years in Special Education, my first IEP is scheduled for Aug. 20, 1979.
2. I was notified of IEP existance by Mrs. Bulka. (advocate). I was discouraged, ridiculed, denied acsess to the child's records by the teacher and supervisor of Special Ed.
3. According to the records, the supervisor and classroom teacher comprise the IEP. My signature was obtained by them under false pretense.
   The teacher, who received her training before Special Ed. existed, who has never received in-service training, repeatedly told me that she has no time to work with my child. During so-called conferences, when asked, "How is my son doing?", she answered, "As well as you can expect from that kind of a child."
4. No.
5. No.
6. I had to appeal to W.V.A.D.D. to be present at the IEP meeting so my child finally can receive appropriate service, that I found out, he is entitled to.
7. None, whatsoever.
   When complaining to the supervisor that the older children in the same classroom were "working" with my son and even "graded" his papers, she replied, "That ! This is widely practiced and I highly approve of it !"
8. No.
9. No.
10. By providing a monitoring service and introduce a regulation that will assure parents that school personnel will be answerable for child's progress.
11. None.
12. I would replace supervising personnel with qualified persons who are handicapped or closely related to handicapped. Someone who can relate to handicapped will accept the challenge and will demand that the Public Law 94-142 be taken seriously and carried out by school personnel.

Mrs. Rosanna Ellison
Aug. 7-79

## QUESTIONS

### FAPE QUESTIONS

1. What is your understanding of the term "free appropriate public education?

2. As a parent of a handicapped child can you tell us what, if any, programs are offered by your school district to nonhandicapped children but not to handicapped children?

3. What impact has Public Law 94-142 had to date on the quality and quantity of school services provided the handicapped by your school district?

4. Since the enactment of Public Law 94-142 what progress has been made and what problems remain with respect to the identification, diagnosis and placement of handicapped children?

5. To your knowledge are there any state or local limits on the amount of reimbursement that parents may receive for private school placement or for cost of related services? If there are such limitations, do they conflict with the requirement in Public Law 94-142 that a free appropriate education be provided to every handicapped child between the ages of 5 and 18?

6. As a parent of a handicapped child, how would you rate the overall effort of school administrators and teachers in providing your child with a free appropriate public education?

Aug. 7-79

FAPE QUESTIONS

1. At no cost to the parents, the Law provides an equal education for the handicapped and non-handicapped alike.
2. As a parent of a handicapped child, I can tell you that I know of no program provided by the school district in which handicapped children are allowed to participate. (Boy scouts, girl scouts, sports,school plays, band, or other social activities)
3. None.
4. To my knowledge, my son has not been properly evaluated during six years in Harrison County Schools. When I had him evaluated in March 1979 at the Childrens Medical Center in Washington, D.C., only then the supervisor had him tested by a non-professional, Miss Nancy Dean, no title, who submitted her observations to Stephen O'Keefe, Ph.D. who from hundreds of miles, never has seen my child, recommends that my child whould remain in T.M.R. class. The child is educable and I have proper evaluation to prove him wrong.
5. No, not to my knowledge are there any state or local limits on the amount of reimbursement that parents may receive for private school placement. This is one of the many well-kept secrets kept from parents b y the Supervising Personnel.
6. As a parent of a handicapped child, I would rate the over-all effort of school administrators and teachers in providing my child with free appropriate public education as a biggest comedy, if it was not so tragic !

Mrs. Rosanna Ellison

## QUESTIONS

### LRE QUESTIONS

1. What do you understand the requirements of Public Law 94-142 to be regarding the placement of handicapped children in least restrictive environments?

2. What changes have occurred with respect to the placement of your handicapped child in a least restrictive environment as required under Public Law 94-142?

3. Does your child spend any part of his day in a regular classroom?

4. For what activities is your child included in the regular class program?

5. Do you feel the time spent in the regular class is appropriate to your child's educational needs?

6. Do you know whether the regular class teacher receives any special assistance or materials in order to develop an appropriate individualized program for your child in the regular class?

7. What are the differences in class size between the regular class and special education class your child attends?

8. Have there been any problems with nonhandicapped students accepting handicapped children in the regular classroom?

9. Who is providing the majority of educational services for your child? Do you know what proportion of his educational program is the responsibility of a
   --special education teacher,
   --regular class teacher,
   --classroom aide?

10. How would you respond to the concern that some handicapped children are being "dumped" into regular classrooms and thus are receiving fewer educational services than would be provided in self-contained classes or residential settings?

LRE QUESTIONS

1. I assume that the Law 94-142 guarantees an equal education to the handicapped and provides specific services to each child according to his (her) needs.
2. Changes with respect to the placement of my child in Special Education are negative. Isolated from the rest of the school, deprived of a chance to learn, stripped of self-confidence or self-reliance, he is provided with babysitting service only.
3. No. Contrary to the report card, he doesn't leave his classroom. (for music, art, or gym)
   When confronting the teacher why he is not in the music class (as his daily schedule indicates), she replied "This is not my perogative to send him."
4. Music, art and gym class. (on Paper only)
5. I do not know.
6. I do not know.
7. I do not know.
8. I do not know.
9. I do not know.
10. Children cannot help but learn more in regular classes than in Special Ed.

Mrs. Rosanna Ellison
Aug. 7-79

Mrs. Richard Griffin
799 Long Street
Bridgeport, WV 26330

LRE Questions

Question 1. What do you understand the requirements of Public Law 94-142 to be regarding the placement of handicapped children in least restrictive environments?

Answer 1. The child should be placed with regular class. He can benefit from achieving his capabilities.

Question 2. What changes have occurred with respect to the placement of your handicapped child in a least restrictive environment as required under Public Law 94-142?

Answer 2. She is in a music class and gym class but they are not really working with her.

Question 3. Does your child spend any part of his day in a regular classroom?

Answer 3. Only gym and music.

Question 4. For what activities is your child included in the regular class program?

Answer 4. Gym and music.

Question 5. Do you feel the time spent [illegible] the regular class is appropriate to your child's educational needs?

Answer 5. No.

Question 6. Do you know whether the regular class teacher receives any special assistance or materials in order to develop an appropriate individualized program for your child in the regular class?

Answer 6. Not as far as I know.

Question 7. What are the differences in class size between the regular class and special education class your child attends?

Answer 7. Special education class is small; 10-12 students.

Question 8. Have there been any problems with nonhandicapped students accepting handicapped children in the regular classroom?

Answer 8. No.

Question 9. Who is providing the majority of the education services for your child? Do you know what proportion of his educational program is the responsibility of a

--special education teacher - 3/4
--regular class teacher - 1/8
--classroom aide - 1/8.

Question 10. How would you respond to the concern that some handicapped children are being "dumped" into regular classrooms and thus are receiving fewer educational services than would be provided in self-contained classes or residential settings?

Answer 10. I don't know of any cases so cannot respond.

FAPE Questions

Question 1. What is your understanding of the term "free appropriate public education"?

Answer 1. Same rights as any student, only respecting individual capabilities.

Question 2. As a parent of a handicapped child can you tell us what, if any, programs are offered by your school district to nonhandicapped children but not to handicapped children?

Answer 2. No, but there are not enough aides, etc. to help so they don't participate.

Question 3. What impact has Public Law 94-142 had to date on the quality and quantity of school services provided the handica-ped by your school district?

Answer 3. Some progress but very slow.

Question 4. Since the enactment of Public Law 94-142 what progress has been made and what problems remain with respect to the identification, diagnosis and placement of handicapped children?

Answer 4. The parents are taking the initiative to get it done. They shouldn't have to.

Question 5. To your knowledge are there any state or local limits on the amount of reimbursement that parents may receive for private school placement or for cost of related services? If there are such limitations, do they conflict with the requirement in Public Law 94-142 that a free appropriate education be provided to every handicapped child between the ages of 5 and 18?

Answer 5. I'm not well informed on this.

Question 6. As a parent of a handicapped child, how would you rate the overall effort of school administrators and teachers in providing your child with a free appropriate public education?

Answer 6. Very slow progress.

IEP Questions

Question 1. Does your child have an IEP?

Question 2. At what stage in the development of the IEP were you encouraged to become actively involved? How were you notified?

Question 3. Who comprised the IEP development team for your child? Was the special education teacher involved in the development of the IEP?

Answer 3. Head of special education, speech therapist and teacher.

Question 4. Were any social service agencies which might provide related services to your child involved in the development of the IEP?

Answer 4. No.

Question 5. Were you child's IEP conferences scheduled during regular school hours? Did you participate actively in the development of your child's IEP?

Answer 5. Yes and yes.

Question 6. What, if any, problems did you encounter as a parent in the development or implementation of your child's IEP?

Answer 6. Many needs not available.

Question 7. What follow-up procedures were used to ensure that the goals and objectives of the IEP were actually carried out in the classroom?

Answer 7. I don't know.

Question 8. In your opinion, were the services of your child's school adequate to implement the provisions of his IEP?

Answer 8. No.

Question 9. Do you feel the IEP requirement stipulated by Public Law 94-142 has affected the quality of the educational services available to your child?

Answer 9. No.

Question 10. In your opinion as the parent of a handicapped child how might the process of developing and implementing IEP's be improved?

Answer 10. Better trained personnel.

Question 11. What proportion of your IEP deals with related services, such as transportation, physical therapy, etc?

Answer 11. None.

Question 12. If you were given the opportunity to amend the Federal regulations which govern the IEP, how would you change them?

Answer 12. I would have better qualified people overseeing the procedures at the local level.

Senator **Stafford**. The Chair would now ask the next panel, Mrs. Randy Cutler, Mrs. Jeanne Thomas, and Miss Mary Beth Bruder, if they would come forward to the witness table.

I will ask Mrs. Cutler to lead off, and then Miss Bruder, and Mrs. Thomas to come third. We have written statements from you. In view of the constraints of time on this subcommittee and the possibility of another rollcall vote in the near future, we would ask the witnesses, if you would, summarize your statement and we will see that the entire written statement does appear as if read in the record.

With that, we will ask Mrs. Cutler to go ahead. I cannot resist saying that her husband was long a very valued member of the professional staff on this committee. So you are very welcome here, Mrs. Cutler.

## STATEMENT OF RANDY CUTLER, TEACHER, SILVER SPRING, MD.; JEANNE THOMAS, TEACHER, BURNSVILLE, MINN.; AND MARY BETH BRUDER, TEACHER, ESSEX JUNCTION, VT., A PANEL

Mrs. **Cutler**. Thank you, Senator.

Mr. Chairman, members of the subcommittee, I very much appreciate the opportunity of testifying at these legislative oversight hearings on Public Law 94-142.

I am Randy Cutler, a parent of a mentally handicapped young adult and a special education teacher of developmentally disabled young children in the Montgomery County Public School System of Maryland.

I am here both as a special education teacher and a parent, and my testimony is in no way approved by or presented on behalf of Montgomery County.

I suspect that I have been invited here today because of my very big mouth which I have not been reluctant to use in criticizing the Public Law 94-142 and how it has added to my extra workload as a special education teacher. While I am fully cognizant of the importance, and have personnally felt the need for, during my child's school years, of some means of service accountability and teacher accountability, I also want to share with you my concern that individual educational plans, IEP's, can be paper tigers and that the concept of least-restrictive environment is sometimes an excuse, particularly in this era of "proposition 13 mentality," to avoid spending for an appropriate educational placement.

Let me share with you some of my concerns as a teacher regarding IEP's. First, to prepare a meaningful IEP, I must spend many, many hours reading through children's records, task analyzing appropriate tests that were given, writing the IEP so that it will be meaningful and comprehensible to parents and other people working with the children.

Please understand that the only possible available time to develop and write a meaningful IEP is after school hours, at home in the evenings, and during the weekends. I feel that it is impossible, unreasonable, and absolutely inappropriate to use classroom teaching hours to do this, for young children need constant supervision and direction.

A child is placed in a special class with a IEP which was prepared at the end of the prior school year. From this IEP the teacher is required to write a detailed education plan, a DEP. For this I must prepare measurable, observable objectives based on the needs and strengths and goals established in the IEP.

I have taken it upon myself to bring a sample of an IEP and a DEP for your review and ask that it be made part of the hearing record. Both of these documents must be discussed, approved and signed by parents or guardians. This is usually done in a conference, but because of single parent homes, or both parents working, these conferences have to be set up either before school hours, or during home visits, or during my lunch half hour, if this is when parents can come to school.

As an aside, I always use the term "meaningful" IEP because it is all too easy to meet the letter of the law and avoid the spirit of the law. For example, I have seen IEP's from which goals for the child have been selected which have no relationship to the child's needs; IEP's with improper or incomplete information; IEP's with inadequate testing to diagnose the child's needs and strengths. Yet, they all meet the letter of the law but certainly not the true intent of the law.

While this seems to have been a long list of complaints about the creation of a meaningful IEP, I do want the committee to know that a meaningful IEP can be very useful and has many strengths.

In the event that a child is transferred during the school year because of a family move, a meaningful IEP should provide a smooth transition with all available services. If for some reason a child has been inappropriately placed or requires additional services, a meaningful IEP should be the tool with which to do this. If a child might be able to function in a regular class, a meaningful IEP because it is federally mandated is the clout, the muscle for assuring that child's placement in that regular class. However, this does not mean that the teacher of that regular class is or feels adequately trained or comfortable in accepting the child in that class.

And perhaps most important, all this paperwork which invites peer and parent review should help direct and channel the energies of inexperienced poorly trained teachers to make them more effective with the children they teach and insure that the required services will be provided.

My daughter, Perri, was diagnosed at age 3 as learning disabled, graduated, having been in special education classes, from high school 3 years ago. In preparing this testimony, I have been reflecting on how Public Law 94-142, had it been in existence during her school career, might have affected her education and my family.

During those years when Perri was fortunate enough to have had caring and excellent teachers, she made good progress and felt good about herself. Conferences were easily arranged. My husband and I felt part of her education. We were aware of her strengths and of the goals set, although they were not formally written.

During those years when she was not so fortunate with teachers, we were very aware of Perri's needs, and were told when we requested conferences of the things she could not do. There were times when we, including Perri, were made to feel that goals could not be set and progress could not be made because of her handicaps and that we should do something about this.

Obviously, then, during those less fortunate years, an IEP and a DEP would have been advantageous and therapuetic to us as a family, providing conferences with the teacher who would have had to have been prepared and would have to have searched for some strengths that my daughter possessed. However this is no guarantee that this kind of teacher would have used those strengths in teaching my daughter. And I am not so sure that I, as a parent, would have used the appeal mechanism provided by the law to the fullest unless I was sure that there was an immediate, better placement available, and this knowledge even now is not readily available to parents.

Having agonized over the writing of this testimony and now listening to myself, I begin to feel that I have done a lot of bellyaching about Public Law 94-142. Obviously, I have very ambivalent feelings about it. I welcome the spirit of the law. I hate the extra work that it makes me do. I also realize that these are new procedures, and as they become more familiar to me, hopefully, they will be easier to implement. And perhaps in time forms will be available that will incorporate information and avoid overlapping of the written work, and that computers can be used, perhaps, to plug into meaningful objectives to save some person hours.

Another advantage to all this paperwork that I hope might come to pass would be that over a period of time ineffective and disinterested personnel would either shapeup or leave the field. It could be that school systems and State universities would offer appropriate personnel courses in using diagnostic tools in writing meaningful IEPs, and perhaps the school system will recognize the need and provide substitute time to allow teachers time to do this type of work.

Before closing, I would like to address the issue of least-restrictive environment. While this is an excellent concept, the tragedy is twofold. Children who have all the indications of being capable of functioning in a regular class are placed in a class with a teacher who has had no training in dealing with individual differences and who frankly is frightened and threatened by this different child; and, two, the "proposition 13 mentality" encourages the school system to deny an appropriate residential placement, which is always costly, to a child whose needs will not otherwise be met.

Let me share with you a personal experience which occurred last week. It involves a 7-year-old boy who is developmentally disabled, with normal intelligence and who has made virtually no academic progress in the last 2 years. His behavior has become progressively more self-destructive and more abusive to others.

At the annual review, the consensus of the group of the eight or nine professionals involved with this child was that this child's placement consideration should be put before the Area Admissions Review and Dismissal Committee for possible appropriate placement out of the area.

At that meeting, after discussing all available educational options offered in the county's public school system for this child, it was recommended that a residential placement be considered and that this consideration be placed before the Central Admissions Review and Dismissal Committee for the child's placement in September.

Of course, the parent was invited. Convenient times were arranged. The parent never came to any of the meetings. At this final meeting, the principal of the elementary learning center, which is a public special education day school, was asked by the chairperson why that school could not offer an appropriate academic program. The principal replied that the school could certainly offer an appropriate academic program but that this child's needs seemed to be for family counseling and for family cooperation and that it had been this principal's experience over the years that children with such needs from noncooperating families made very little progress academically in a day school setting.

The committee was then reminded of the area committee's recommendation. The committee then decided the earlier recommendation was not the least-restrictive environment and placed the child at the learning center. It was evident that the least-restrictive environment was the school system's legal excuse for not spending money needed for a residential placement for this high risk child.

Even at this moment in time, I am not quite sure as to whether this decision was purely one of financial consideration or concern about meeting the statutory requirements of the law. However, I can state that this decision was not in this child's best interests.

Mr. Chairman, members of the committee, this concludes my prepared testimony. I would be pleased to answer any questions.

Senator STAFFORD. Thank you very much, Mrs. Cutler.

The Chair is going to change the order of witnesses because Senator Rudy Boschwitz has to be in another committee right now. So it is my pleasure to ask my colleague from Minnesota to introduce the witness from Minnesota.

Senator BOSCHWITZ. Thank you very much, Mr. Chairman. It is a pleasure, too, for me to introduce Jeanne Thomas of Burnsville, Minn., who is a sixth-grade teacher in Richfield, Minn., all of which are suburbs of the Twin Cities, and she had been a teacher for 13 years. And she is a chairperson of the Minnesota Education Association's inservice program. Her purpose in presenting testimony today is to discuss the concerns of teachers with respect to implementing Public Law 94-142; on the basis of the needs assessment conducted to develop inservice programs, Mrs. Thomas believes the first concern of teachers is their lack of preparation for working with handicapped students. She cites cases of handicapped children placed in regular classes with teachers who have received no additional support, as evidence of her concern. The second major concern that she is going to express is that the teacher's time that is required to come involved with students who have been mainstreamed. Third, she addresses the question of determining effective methods for inservice education. She points out the inadequacy of inservice models which are typically brief and suggests instead some alternate approaches.

And, Jeanne, I am very sorry that I have to go to the Armed Services Committee and that we have not been able to get together before this because of one meeting or another, but I hope you will chase me around this afternoon so that we can get together.

Mrs. THOMAS. We will catch up to you, Senator.

Senator BOSCHWITZ. Thank you very much, Jeanne.

And thank you very much, Mr. Chairman, for changing the order and allowing me to introduce her.

Senator STAFFORD. Thank you, sir.

We will be glad to have you go right ahead, Mrs. Thomas.

Mrs. THOMAS. Thank you. Before I start my testimony, I would like to point out on the first page I really do know how to spell "dealt." It is just when I type an "h" always follows a "t," and it came out as "dealth" instead of "dealt."

As inservice chairperson for the State of Minnesota Educational Association, I have had numerous contacts with teachers in the State of Minnesota. One thing that my committee has done is survey the teachers of Minnesota on their concerns on 94-142. It is through this survey that I feel the concerns that have come up again and again should be presented to this committee. The three basic questions that arise again and again in discussion with teachers are: What has been the impact of 94-142 on teachers? Second, what are the frustrations of the classroom teachers? And third, what would be the most effective way of inservicing teachers to give them the skills necessary to implement the law?

Considering the first question, what has been the impact of this law on teachers in the classroom, throughout the State of Minnesota, the most consistent thing that comes through in talking with classroom teachers is their concern for the students involved. They do not show a fear in facing children with handicaps. Most have dealt with these children in various forms and various forms of handicaps throughout their teaching careers. The biggest concern is their lack of training to deal with these children.

Let me give you only two personal experiences of many that I have had as a classroom teacher. The first is Todd. Todd is a boy who is legally blind. He has less than one-tenth of his normal vision. He was introduced to me one morning 30 minutes before my class day began. It was then announced to me at that time: "This is a new student for you to have enrolled in your class of 28 children." I had received no training to deal with Todd's handicap.

There was a provision that, for 1½ hours a week from the special district, there would be a teacher of the blind that would come to work with Todd but not with me. My training from this person was if I could catch her in the hall or if I could arrange a time during my lunch hour if she happened to be there at that time.

District 287 which is a special district for the metropolitan area of Minneapolis-St. Paul also printed a reading book for Todd in large print which, with the use of magnifier, he could use. This came at Christmas time when we were three-quarters of the way through the first half of the book and did not do him much good as it was about the size of the width of a table, almost a card table by the time it was through being printed large enough. He read only print an inch to an inch and a half in heighth. So if you would take an average reading story in a book and put that in print that high, I think we counted about 12 words per page that they were able to get on to it.

Todd also went to the remedial reading person for 45 minutes a day. The rest of the time he was with me. Now, how did I teach a student who could not see the blackboard, whose learning had to be almost totally auditory and who could not take notes on what he was learning? How could I effectively help Todd until I learned to teach a blind student?

Notice that I did not say I would not teach this child. I merely said how did I go about teaching this child. Another experience I would like to share with you today is of two profoundly deaf students that were placed on a team of eight teachers in a middle school. These students did not speak, could not hear when spoken to and read maybe at a third-grade level.

Paul and Ward had a special teacher again from district 287 who signed for them during the morning hours. In the afternoon, they had a special language development class that lasted for approximately 1 hour or one class period. The rest of the time was spent with us.

How much more rewarding and how less frustrating an experience this would have been for all eight teachers who dealt with Paul and Ward if we had had some inservice to help us particularly inservice for those who are profoundly deaf.

The least restrictive alternative for these boys was an alternative that their parents sought and obtained. It was rewarding in some way but terribly frustrating to the staff to try and deal with something we knew nothing or very little about.

The second question, or what are the frustrations of the teachers under 94-142, there are several that seem to be universal with every teacher that I have talked to in the past 3 years. The first one is time. Where is the time going to come from to attend the conferences that are so essential to the writing of an IEP? What about the time to meet with parents, special teachers, and others that are involved in the programs for handicapped children? Where can be found the time to become as knowledgeable as possible about the handicaps that these children have? Time is also needed to devote to the rest of the classroom. Many teachers will speak glowingly about the success and achievements of a handicapped child placed in their classroom and then turn around and say: "But there are 28 others in there that I did not have time to deal with as effectively."

The second frustration comes from not having enough training to deal with the handicapped child. Many times there is not enough information shared about a handicap and ways to deal with it or to work with a handicap. Some secondary teachers state that they are not even told when a learning disabled child is placed in their classroom until the child has failed all of the tests and all of a sudden there are five people standing there wondering why this was not diagnosed earlier.

The third question is what would be the most effective way of inservicing teachers? A Minnesota pilot research project on inservice methods showed that teachers learned best from other teachers, from a variety in styles and from more than one presentor in a given topic. An intensive program throughout the country must be undertaken to train classroom teachers. We must not forget that telling a person an idea or a fact makes them aware of the idea or fact but research showed that spaced repetition is the best way of learning.

We use this all the time in teaching children. Why not use the same method to educate professionals? It takes at least six repetitions of an idea or a concept for a person to learn it well enough to use it effectively.

Using this idea, why not have an inservice program where the teachers can choose the topic they want to learn? A survey of staff members, conducted by the district, would provide a clear idea of what teachers think they need, not what administrators think the teachers need. Then, set up in each district three or four full day workshop to deal with specific areas of handicapped. Remember Ward and Paul, the two students I spoke about earlier? We would have loved to have had a full day or 2 days with somebody who knew how to teach deaf students to show us how to do it to make their experiences more valid and meaningful.

There is also need to provide speakers to talk to classes of students to sensitize them to the needs of handicapped children. How differently the students in my own classroom reacted to Todd, the legally blind boy, after hearing from somebody who worked with the blind and explained how they could help Todd and the things that Todd could do.

The three ideas that I have touched on are certainly not new or original ideas. I am sure that you have heard them expressed many ways in the preceding days of listening to testimony. The three basic questions of importance to teachers of handicapped students in the regular classroom must be dealt with, because if the frustrations are relieved, the inservicing is done, the final impact of 94-142 is assessed, then we will certainly be able to answer the question: "Is all this time and money worth it?" Having seen the look on Todd's face when he, with the aid of a telescope, saw stars for the first time in his life, the only possible answer would be: "Yes, it certainly is worth it."

Based on my experiences and those of my fellow teachers, I would make two recommendations. One, that no teacher have placed in his or her classroom a handicapped child without inservice provided to the teacher first. And second, to make this possible, money must be reallocated so that sufficient money is available for this inservice with teachers, with the teachers determining the context and the delivery of inservice.

Thank you very much for this opportunity to present my ideas.

Senator Randolph. Senator Stafford, I know you are going to introduce someone from your own State. When we leave for rollcall we hope to come back quickly, but it is often impossible.

We wish that we could hear every word, but we will not only have the record printed and made public for all of you who desire it, but we will recommend, Senator Stafford and I, that all members of the committee, not just the subcommittee, read your testimony. I think it is very helpful if all members look back at what you said. Thank you.

Senator Stafford. Mr. Chairman, to sum up what you have said, working here as a Member of the Senate is sort of like being a teacher and having five or six fire drills run on you every single day, which you may understand.

I would like to particularly welcome the next witness, Miss Mary Beth Bruder of Burlington, Vt., who is a special education teacher and who has been teaching at the Ira Allen School for Essential Early Education in Burlington, I understand, for the past 3 years.

I understand also that Vermont may be losing Mary Beth to the University of Oregon where she will further her education in the field of special education. If that is true, we hope that you will soon be returning to the Green Mountains.

I invite you to go ahead with your testimony.

Miss Bruder. Thank you, Senator.

My name is Mary Beth Bruder, and I graduated in 1976 from Trinity College in Burlington, Vt., with a bachelor's degree in psychology and a concentration in education. I am certified to teach elementary education kindergarten through 6 and special education. For the past 3 years, I have been teaching at the Ira Allen Essential Early Education Center in Burlington, Vt. Essential early education is a term used in Vermont to refer to educational services provided to children birth through school age who may be deficit in one or more of the following skill areas: Motor, communication, cognitive, social, and self-help. We, in Vermont, are fortunate that our legislature is committed to providing essential early education to all of Vermont's handicapped population, birth to school age, by 1983.

My testimony today will consist of:

One: A brief overview of Vermont's commitment to education of all handicapped children.

Two: A description of the setting in which I teach.

Three: Three components of 94-142 and how they affect the population I serve: A. IEP's B. Least-restrictive environment, and C. Parent training.

Four: The need to continue and expand essential early education programs throughout the Nation.

In 1973, Vermont adopted a plan to comprehensively meet the educational needs of all its handicapped population, zero through 21, by 1983. This plan was consequently referred to as Vermont's Special Education 10-year plan. Needless to say, with the passage of Public Law 94-142, Vermont's 10-year plan was revised accordingly, and special education services were provided as mandated by the Federal law. However, Vermont's revised 10-year plan is still the mandate which addresses essential early education in the State. During 1979, 11,813 handicapped learners were served in

Vermont. The total fiscal allotment our State and local education agencies provided was $13.5 million, while Federal moneys contributed $1.2 million. That money only served 70 percent of our State's handicapped school population and only 22 percent of the handicapped preschool population. In the coming year, under fiscal year 1980, 79 percent of our State's school population but again only 23 percent of the handicapped preschool population will receive the services they so desperately need. This is an increase of only 30 preschoolers. Unfortunately, in our State, diminished moneys are hurting children. As of now, only 465 of the State's projected 2,145 eligible preschoolers are receiving essential early education services. That is only one-fifth of our estimated handicapped preschool population. Fiscal resources, both State and Federal, will be the determiner as to whether our State reaches its goal of providing free appropriate public education for all of its handicapped children and youth age 0 to 21 by 1983.

The Ira Allen Essential Early Education Center is located in Burlington, Vt., the State's largest community and it serves a population base of 100,000 people. Our program is regional which means that this year it served children from 14 surrounding school districts as well as Burlington. The age range we serve is birth through 7, and these children must have a measurable deficit in either motor, language, preacademic, social or self-help skills. They are referred to us by their parents, pediatricians and school districts in which they reside. For instance, a parent may notice that their child is not walking, talking, eating or dressing himself at the same pace as their other children. They might bring their concern to their pediatrician who, in turn, may make a referral, or a local school may refer a child they have identified through their local early education screening. If eligible, the child and his family are then offered the comprehensive services they might need from our program.

Our program has two components, a home based and a classroom based. The former is designed for those children under 3 years and the services are primarily delivered by a special education teacher weekly in the home. This teacher works with the child on the specific developmental skills she may need and then provides the parents with activities to reinforce those skills daily. Services in occupational, physical and speech therapy are also provided as needed at the center.

Our classroom based program serves children 3 to 7. This past year I taught 18 children during two daily sessions. The commonality among them was that in some area of development, they were significantly behind schedule. However, the causes stem from a variety of conditions including Down's syndrome, cerebral palsy, autism, severe seizure disorders, and hearing impairment. As their teacher, I was responsible for assessing the children with a developmental minimum objective system which measured skill levels in the area of motor, language, social and self-help. Our students were also assessed by occupational, physical and speech therapists. We would all then combine our results and recommendations and I would meet with the parents to write the child's individualized education plan. Our students would receive any itinerant service they required, speech, O.T. or P.T., either in direct service or in consultation to the classroom. Parent training was also a facet of my role as we were alloted a half a day a week to follow up our students at home. In our center, the teacher acted as the primary case manager, monitoring the needs and services provided to both the students and their parents.

To focus on three components of Public Law 94-142, I would like to start with the most important. The concept of least restrictive environment has had a myriad of issues surrounding it. As a special education teacher, this mandates that whenever or wherever appropriate, handicapped students in need of special services should have the opportunity to receive them in an environment with normal peers. I feel that the successful application of this concept could prove to have far reaching effects. By fostering integration of the handicapped at the earliest possible time, we would be developing awareness and acceptance of them from the beginning of the educational process. If we do this, I think that we will guarantee the continued success of Public Law 94-142 in the years to come. We would also be providing a great educational service to our future generations because we all know that among the children of today are the future parents of the handicapped.

In our center, we have become increasingly more dependent on day cares and kindergartens as well as providing special activities in conjunction with an area day care to provide our students with important social exposure in a normative setting. In regard to my students who are entering their local public schools, I have found that the biggest obstacle we face in fully implementing the aspect of least restrictive environment is attitudes. Unfortunately, this mandate has seemed to place a burden on those in general education not quite ready or willing to accept this added reponsibility of teaching handicapped learners. To me, these teachers and administrators have two needs which must be addressed quickly and comprehensively.

First, their level of awareness and understanding must be raised so that they can help promote total acceptance of the handicapped among their students, and second, it is apparent that all educational professionals will have to be provided with the training and skills formerly attributed only to those in special education.

If these needs are met, I feel that in time most problems will be resolved. As general educators become more exposed to handicapped children and program adaptations, I feel that they will become adjusted to these new demands of Public Law 94-142. This is not to discount the fact that there are many legitimate concerns which this concept evokes. I feel, though, that the State education agency and the local education agencies should have the responsibility to insure that least restrictive setting is being interpreted to benefit each child's needs and then provide the teachers with the training they may need to deliver the services.

In Vermont, for example, our special education council on comprehensive personnel development, as mandated through Public Law 94-142, has been active in guaranteeing in-service training for those who need it, both on a local or State level. Our State certification board has also responded to the new demand the law has placed on teachers by upgrading the special education teacher certification requirements.

In summary, I would like to underscore the long-term benefits which I feel that the least-restrictive setting provision of Public Law 94-142 will have on our Nation in general. We know that the most obvious is that our handicapped children and youth will no longer be isolated and shunned from society. They will now be able to become part of the mainstream through the educational process. More importantly, our future generations will now have the opportunity to develop and practice positive attitudes toward those with differences. I feel that this will have a tremendous impact by improving the general quality of all aspects of life for the handicapped. This will help to foster a more productive and human accommodations for those members of our society which our generation had deemed as devalued.

The next provision of Public Law 94-142 I would like to comment on is individualized educational plans. In my setting, a special education classroom, I feel that well written individualized education plans serve an invaluable planning and evaluation tool. We are now able to insure that every child requiring special education services will have a systematic plan which will guarantee his projected learning potential. As teachers, I feel that we should accept the responsibility of writing and implementing IEP's as the ultimate challenge to accountability in the classroom.

However, in Vermont, we have seen that the initial challenge of IEP's seemed not to lie in the implementation of them but in the actual writing of them or more specifically, the time it takes to write them. I have heard from many teachers that valuable teaching time is being lost in order to complete the IEP process. Certainly, the time required to write thorough and accurate IEP's must be recognized. A 1977-78 survey conducted by the Vermont Association of Special Education Teachers estimated that the total time required to assess, plan and write IEP's was 8 hours and 22 minutes for each child. In Vermont, one answer to this need has been for the State department of education to provide 2 extra inservice days for teachers so that they may complete the process of formulating quality IEP's without having to sacrifice teaching time. Also I must state that in Vermont this has only been the second full year of the IEP requirement. We will undoubtedly see this process become refined and require less time as teachers become more proficient at it.

Another aspect of the IEP process which I have heard concern about is in the lack of parent involvement as mandated. I feel that this problem is one that must be addressed by all professionals. It is our responsibility to insure that parents are knowledgeable about the IEP process and feel comfortable enough with it to take full advantage of the rights it offers. How we can go about doing this may be an individual decision or more realistically it may be encompassed in a program of parent training and development which we professionals should provide.

In my capacity as a parent trainer, I made sure that in addition to receiving information on their rights and responsibilities from myself and our administrator, my parents also participated in a training session on IEP development sponsored by our local association for retarded citizens. We also asked parents who were involved in their child's educational program in their local district to come and speak to my parents on advocacy techniques and how to work effectively and cooperatively with their schools. From my vantage point, I feel that this made a tremendous difference in the way these parents participated in developing their child's IEP.

As a teacher, I strongly feel that the IEP process is an important and necessary safeguard to insure that all children will receive appropriate public education in the least restrictive setting as determined jointly and cooperatively by their parents and the schools. My only frustration lies in the inavailability of the funds which are needed to fully implement this process.

This brings me directly to a hidden aspect of the law which I feel it necessary to comment on. From my perspective the biggest need which Public Law 94-142 has uncovered is in the area of parent training. In my position working with children who have recently been identified as having learning handicaps, I can document the need for a comprehensive system of offering training to their parents. Generally, I feel that they could benefit from awareness training of their rights and responsibilities in developing their child's total education plan. More specifically and directly in relation to early education services, I feel that parent training is a necessity to insure that the maximum carryover of skills occurs in their most functional setting, the home. We all know that these children have many specific needs and that school only serves a portion of their day. It is our responsibility as teachers to see that the skills needed for daily living are generalized by our students and that their parents are able to facilitate them as needed. In some instances, this may mean training should be provided in the form of behavior management techniques, in others it could be in fostering correct feeding or motor skills or again some language stimulation program. Now, I do not mean to suggest that parent training be encouraged only in early education. However, by building a firm base of parent training and support, we can then insure that parent involvement will be an integral part of the special education services. Now, with the added parental responsibility sanctioned through Public Law 94-142, I feel that special education must systematically plan to encompass the parental needs of those learners whose rights are now guaranteed under law.

In concluding my testimony, I would like to thank you on behalf of my 18 students and their parents for Public Law 94-142. This year 16 of them will be returning to their local school districts for services. Six of these will still be receiving services from our center while attending full-time kindergarten. Out of the other 10, 6 will be going into a kindergarten or first-grade setting, 3 into a resource room, and 1 into a self-contained special class. Most of these students will require itinerant services in speech, motor, or academic tutoring. But because of the law, they will be receiving these services in their least restrictive environments as documented by their IEP's. Eighty-two percent of the children leaving our center in June 1979 will be entering a general education classroom in their local district with specific educational recommendations that will enable them to be maintained in the mainstream of regular education. This is the goal of essential early education in Vermont. Early intervention will minimize developmental delays. I have seen this occur daily in my setting and the data offers conclusive evidence.

In Vermont, I am very concerned with the 1,680 handicapped children age zero to 6 who are not receiving the services they so desperately need. I am convinced that in order for this population to achieve their full learning potential and take advantage of their rights, early intervention is a necessity. The law was written so that the handicapped may exercise their constitutional mandate for free appropriate public education. I feel that the key to its success will be in its full implementation. This, to me, includes offering a continuum of educational services from the earliest point possible to those who may need them. We know that children with handicaps do not learn by mere exposure to new stimuli which many of us are fortunate enough to be able to do. These children require direct teaching in a variety of intensities and forms in order that they may develop as close to the norm as possible. It is essential that we do not deny them or their parents the chance to achieve this.

Public Law 94-142, the Education of All Handicapped Children Act, has been a success in my experience as a teacher. I urge you now to think about the rights of those children it has inadvertently forgotten, those children age zero to 6 form whom early intervention is essential.

In closing, may I again thank you for the Education of All Handicapped Children Act and I ask you to continue to make the intent of the law a reality by allocating the fiscal resources which are needed.

Senator **Stafford**. Thank you very much for a very good statement. We wish you luck in Oregon next year and hope you will come back from there.

Senator **Randolph**. Senator Stafford and myself are going to have written questions that will be provided to witnesses. I especially want to do this with the witnesses who came from West Virginia. We will send to them questions for their written response for the hearing record. Perhaps other members of our committee will have questions for our witnesses.

[The prepared statements of Cutler, Thomas, and Bruder and responses submitted by Cutler, Bruder and Thomas follow:]

# STATEMENT

of

RANDY CUTLER

Mr. Chairman and members of the Sub-committee. I very much appreciate the opportunity of testifying at these legislative oversight hearings on PL 94-142.

I am Randy Cutler, parent of a mentally handicapped young adult and a special education teacher of young (4½ 7 year olds) developmentally disabled children in the Montgomery County Public School System of Maryland.

I am testifying both as a parent and a special education teacher but my testimony as a teacher is in no way approved by or on behalf of Montgomery County Public Schools.

While my age might lead you to believe that I have been teaching forever, in fact, I only became interested in Special Education as a direct result of my younger daughter's needs and obtained my degree in Special Education from the University of Maryland in June 1972. I began my career as a special education teacher in September of that same year.

I suspect that I have been invited here today because of my very big mouth which I have not been reluctant to use in criticizing how PL 94-142 has added to my work load as a special education teacher. While I am fully cognizant of the importance, and have personally felt the need during my child's school years, of some means of teacher and school service accountability I also want to share with you my concern that Individual Educational Plans (IEPs) can be paper tigers and that the concept of "Least Restrictive Environment" is sometimes an excuse -- particularly in this era of Proposition 13 mentality -- to avoid spending for an appropriate educational placement.

Let me share with you some of my concerns, as a teacher, regarding IEPs which hopefully will offer you some assistance in your considerations of strengthening, improving or restructuring those provisions of the law which deal with IEPs.

Firstly, to prepare a "meaningful" IEP, I must spend many hours: reading through each child's records -- psychiatric, psychological, neurological, medical, speech and hearing, social service, prior educational, and birth, etc.; task analyzing the diagnostic tests that I feel each child must have to determine learning strengths and needs such as Slingerland Pre-Reading, Boehme Test of Basis Concepts, Walker Readiness, Pennsylvania Pre-School, Metropolitan Readiness, Key Math, etc; writing the IEP so that it will be meaningful and comprehensible to the parents and anyone else working with that child.

Please understand that the only possible available time to develop and write a meaningful IEP is - after school hours, at home in evenings, and over the weekends. It is impossible, unreasonable and inappropriate to use classroom teaching hours - for ten very active developmentally disabled young children need constant supervision and direction.

A child is placed into a special class with a prepared IEP. From this IEP a teacher is required to write a Detailed Educational Plan (DEP). For the DEP I must prepare and write observable, measurable objectives based on the needs and goals articulated in the IEP.

I have taken it upon myself to bring samples of both IEPs and DEPs, which, of course, have no student identification, for your review.

Both of these documents must be discussed with and approved and signed by a parent or guardian. This is usually done during a conference. However, in this age of single parent homes, or with both parents working, it is often necessary for me to: make home visits; arrange to be at school before the work day begins; conference during my half hour lunch period; or prepare lesson plans for my part-time aide to carry out if a parent can come to school.

I have always conferenced with parents often during the school year - this is my special strength - but having to do it within the first few weeks of school and have all the paper work ready on time just seems to add tension to my job and take away energy and time that I feel I should be spending on planning for teaching children.

While this has been a long list of complaints about the creation of meaningful IEPs, I do want the Committee to know that despite my complaints a meaningful IEP has many strengths.

As an aside, I always use the term "meaningful" IEP because it is all too easy to meet the letter of the law and avoid the spirit of the law. For example, I have seen: IEPs from which goals for the child have been selected which have no relationship to the child's needs; IEPs with improper or incomplete information; IEPs with inadequate testing to diagnose the child's needs and strengths. Yet, they all meet the letter of the law but certainly not the true intent of the law.

Having digressed I would like to get back to the point I was making about the advantages of a meaningful IEP.

In the event that a child is transferred during the school year because of a family move, a meaningful IEP should provide for a smooth transition for the child with a new teacher and the availability of all required services, i.e.: speech and language; physical education; etc.

If, for some reason, a child has been inappropriately placed or requires additional services, a meaningful IEP provides for Admission and Review Procedures which could correct the placement or provide the additional services.

If the child might be able to function in a regular class for a part or parts of a school day, a meaningful IEP, because it is federally mandated, is the "muscle" for assuring the child's placement in that regular class. However, this does not mean that the teacher of that regular class is or feels adequately trained or comfortable in accepting the child into the class.

And perhaps, most important, all this paper work which invites peer and parent review should help direct and channel the energies of inexperienced or poorly trained teachers to make them more effective with the children they teach and ensure that required services will be provided.

My daughter, Perri, graduated from High School three years ago. In preparing this testimony I have been reflecting on how PL 94-142, had it been in existence during her school career, might have affected her education and my family. During those years when Perri was fortunate to have had excellent and caring teachers, she made good programs and felt good about herself. Conferences were easily arranged by the teacher or ourselves. My husband and I were aware of goals set for Perri, althought they were not formally written, and of some of her strengths. We were made to feel that we played a complementary and reinforcing part in her education. During the years when she was not so fortunate with teachers, we were very aware of Perri's needs and were told, when we requested conferences, of the things she could not do. There were times when we, including Perri, were made to feel that goals could not be set and progress could not be made because of her handicaps - and that we should do something about these.

Obviously then, during those less fortunate years, IEP's and DEP would have been advantageous and therapeutic to us as a family - providing at least two (2) mandated conferences for which the teacher would have had to have been prepared and forced to look for some strengths in my child. However, this is no guarantee that this kind of teacher would use these strengths through which to teach. And I am not sure that I, as a parent, would have used the appeal mechanism, provided by the law, to the fullest unless I was sure there was an immediate better placement available - knowledge not readily available to parents even now.

Having agonized over the writing of this testimony and now after having read it I begin to feel that I have done a lot of bellyaching about PL 94-142. Obviously, I have very ambivalent feelings toward it. I welcome the spirit of law but dislike the extra paper work it causes me. I also realize that these are new procedures and that these are new procedures and that when they become more familiar to me they will, hopefully, be easier to implement. Perhaps, in time, forms will be available that will incorporate information and avoid overlapping written work, and that computers can be used to choose meaningful objectives and save some person-hours. Another advantage to all the paper work that I hope might come to pass would be that over a period of time ineffective or disinterested personnel would be forced to improve their methods and attitudes or leave the field. It could be that school systems and state universities will require appropriate personnel to take courses in using appropriate diagnostic tools and writing meaningful IEPs. (Montgomery County offers such a course, which I truly appreciated taking, but even this course has changed in the last year as all the implications of the law are misinterpreted).

Before closing I would like to address the issue of "Least Restrictive Environment." While this is an excellent concept the tragedy is two-fold: one, children who have all the indications of being capable of functioning in a regular class are placed in such a class with a teacher who has had no training in dealing with individual differences or who, frankly, is frightened and threatened by this "different child"; and two, the "Proposition 13 mentality" encourages the school system to deny an appropriate residential placement, which is always costly, to a child whose needs will not otherwise be met.

Let me share with you our personal experience which occurred last week. Parenthetically, I would note that my reference to last week occurred during my summer vacation. The case in point involves a 7 year old, developmentally disabled boy, with normal intelligence, who made virtually no academic progress during the past two school years, and whose behavior became progressively more self-destructive and abusive to others during this time. At the annual review the consensus of the group of 8 or 9 professionals involved with this child was that this child's placement consideration should be put before the Area Admissions Review and Dismissal Committee. At that meeting, after discussing all available educational options offered in the county's public school system for this child, it was recommended that a residential placement be considered and that this consideration be placed before the Central Admissions Review and Dismissal Committee for a final decision on school placement for this child in September.

Of course, the parent was invited to all these meetings - the first three - one of which was a parent/teacher conference - at the parent's convenience. When a convenient time was arranged the parent said "well, maybe I won't be able to come." For the last meeting the parent was notified by mail and the Pupil Personnel Worker made a house visit where no one answered the door. The parent never attended these meetings.

At this final meeting, the principal of the Elementary Learning Center - which is a public special education day school - was asked by the person chairing the Committee why that school could not offer an appropriate academic program. The principal's answer was that the school could offer an appropriate academic program but that the child's needs indicated family counseling as well as family cooperation which did not seem to be forthcoming from this parent. It has been this principal's experience that little academic progress can be made in a day school environment by children, with these needs, from non-cooperating families. The Committee was then reminded of the Area Committee's recommendation. The Committee then decided that the earlier recommendation was not the "Least Restrictive "Environment and placed this child at the Learning Center.

It was evident that a "Least Restrictive Environment" was the school system's legal excuse for not spending the money needed for a residential placement for this high risk child. Even at this moment in time I was unsure as to whether this decision was purely one of financial consideration or concern about the statutory requirement of "Least Restrictive Environment". However I can state, unequivocally, this decision was not in this child's best interest.

Mr. Chairman, members of the Committee, this concludes my prepared statement. I would be pleased to answer any questions that you may have.

Note: Additional detailed information may be found in the files of the Subcommittee on the Handicapped.

### RANDY CUTLER
### QUESTIONS & ANSWERS

1. AFTER A HANDICAPPED STUDENT IS IDENTIFIED, WHAT IS THE AVERAGE AMOUNT OF TIME REQUIRED TO PREPARE THE IEP? AND PLACE THE CHILD IN AN APPROPRIATE SETTING?

I have never actually timed the hours I have spent preparing IEP's. I would estimate that I probably spend 10 hours preparing and writing IEPs and DEP's for each child.

2. AS A TEACHER OF THE HANDICAPPED, DO YOU FEEL YOUR BACKGROUND IN SPECIAL EDUCATION ADEQUATELY PREPARED YOU TO DEVELOP "MEANINGFUL" IEP'S?

I received good preparation and an awareness of IEP's in the undergraduate program at the University of Maryland from which I graduated in 1972. However, an excellent course is offered by Montgomery County through its in-service program, which helped me tremendously.

3. IN YOUR OPINION, ARE MOST CLASSROOM TEACHERS ADEQUATELY PREPARED TO DEAL WITH THEIR ROLE IN THE DEVELOPMENT AND IMPLEMENTATION OF IEP'S? WHAT SUGGESTIONS WOULD YOU MAKE FOR INCREASING THEIR SKILLS IN THIS AREA?

Most Special Education and Resource Room teachers seem adequately prepared. Regular classroom teachers are not required to write IEP's. My suggestion for increasing skills in this area would be to make a course, such as the one mentioned in the previous answer, mandatory.

4. WHAT, IF ANY, COMPENSATION IS GIVEN TO TEACHERS WHO SPEND TIME BEYOND THEIR REGULAR SCHOOL HOURS IN THE DEVELOPMENT OF THE IEP?

I know of no compensation beyond the feeling one has of doing a good job.

5. IN YOUR EXPERIENCE, WHAT HANDICAPPING CONDITIONS HAVE BEEN THE MOST DIFFICULT TO SUCCESSFULLY "MAINSTREAM" INTO THE REGULAR CLASSROOM?

Behavioral problems--impulsive, compulsive or hyperactive behavior.

6. HAVE YOUR FOUND ANY RELUCTANCE TO IDENTIFY CHILDREN OF A PARTICULAR HANDICAPPING CONDITION FOR WHOM NEITHER EDUCATIONAL OR RELATED SERVICES ARE AVAILABLE?

There is no reluctance to identify any particular handicapping condition. However, the appropriate related services (e.g. psychotherapy, family counseling) which are not otherwise provided through regular funding mechanisms, are not recommended for such identified handicapping conditions.

7. IN WHAT WAY, IF ANY, DO LIMITATIONS ON AVAILABILITY OF A PARTICULAR SPECIAL EDUCATION RESOURCE INFLUENCE WHICH TYPES OF HANDICAPPING CONDITIONS ARE IDENTIFIED, EVALUATED AND SERVED?

There are Language Disability classes and Learning Disability classes in the county--a few schools house both. The numbers of children served in these few schools is limited and sometimes a child with both these disabilities is placed in a Learning Disability class with only itinerant (1 or 2 times per week) language therapy when daily intervention might be more appropriate--the same holds true for gross motor intervention. Also see answer to Question 6 above.

8. TO YOUR KNOWLEDGE, DO THE SERVICES RECOMMENDED IN IEP'S TYPICALLY ADDRESS THE FULL RANGE OF THE STUDENT'S EDUCATIONAL NEEDS OR ARE THEY IN ANY WAY LIMITED BY THE SCHOOLS' ABILITY TO PROVIDE THEM?

Under instructions, I, as a teacher, am not permitted to write or tell parents of a service that is not offered by the County unless I am personally willing to pay for it.

9. TO YOUR KNOWLEDGE, HAVE LOCAL SCHOOL DISTRICT BEEN RELUCTANT TO INCREASE OPERATING BUDGETS TO ACCOMODATE THE MANDATES RESULTING FROM PUBLIC LAW 94-142?

Absolutely, in '76-77 and '77-78 I had a class of 8 or 9 students, many of whom need assistance in developing self-help skills including toilet training, with a full time aide. This past year, '78-79, my aide was placed elsewhere. It wasn't until January that my class of 10 children was given a 1/2 time aide.

10. HOW HAS PUBLIC LAW 94-142 CHANGED THE QUALITY OF EDUCATIONAL SERVICES PROVIDED TO HANDICAPPED CHILDREN IN--
    REGULAR CLASSROOMS?
    SPECIAL EDUCATION CLASSES?
    RESIDENTIAL SETTINGS?

Regular classroom--yes. Many schools now have a diagnostic prescriptive teacher who takes children individually or in small groups for daily intervention for their needs and who can offer resource help to regular classroom teachers. More DP teachers are needed if mainstreaming is to be more than "dumping" kids.
Special Education classes--whatever services are written on an IEP must be delivered.
Residential Settings--I have no personal knowledge.

11. WHAT EFFECT DO YOU FEEL THE "PROPOSITION 13 MOVEMENT" HAS HAD ON THE EDUCATIONAL SERVICES AVAILABLE TO HANDICAPPED CHILDREN?

More children (from prior private placements) are being served in Public schools although the Special Education budget has not been increased. Instead, classes have been enlarged, aides cut back, the number of psychologists and pupil personnel workers, resource teachers have been reduced.

RANDY CUTLER
LRE QUESTIONS & ANSWERS

1. What do you understand the requirements of Public Law 94-142 to be regarding the placement of handicapped children in least restrictive environments?

LRE should be one which the child can make progress and gain or keep a good self-image.

2. What changes have occurred with respect to the placement of your handicapped child in a least restrictive environment as required under Public Law 94-142?

See prepared statement re: using LRE as an excuse for not funding an appropriate educational placement.

3. Does your child spend any part of his day in a regular classroom?

Yes--children in my class join as a group the other classes for lunch, free play, assemblies and music. Individual children go out to a regular class for P.E., Reading, Social Studies when needs in these subject areas can be met and when there are willing and accepting teachers to take them.

LRE (continued)

4. For what activities is your child included in the regular class program?

5. Do you feel the time spent in the regular class is appropriate to your child's educational needs?

6. Do you know whether the regular class teacher receives any special assistance or materials in order to develop an appropriate individualized program for your child in the regular class?

I offer the regular classroom teacher assistance and materials and develop with that teacher an appropriate program that can be used in that regular class.

7. What are the differences in class size between the regular class and special education class your child attends?

A regular class does have 25-28 children (Kg - 2nd grade) while last year I had 10 children in my special class.

LRE (continued)

8. Have there been any problems with nonhandicapped students accepting handicapped children in the regular classroom?

I have seen problems at the Junior High School level and in the last elementary school at which I taught. At the school I teach in presently, there are no problems--the tone of the school, from the principal on down, is one of total acceptance of all children which appears to be the key to alleviating the problem of discrimination.

9. Who is providing the majority of educational services for your child? Do you know what proportion of his educational program is the responsibility of a
   --special education teacher,
   --regular class teacher,
   --classroom aide?

I provide the majority of services for my Special Education students.

10. How would you respond to the concern that some handicapped children are being "dumped" into regular classrooms and thus are receiving fewer educational services than would be provided in self-contained classes or residential settings?

The County offers--and has for years--many services. However, the resources for providing those services, because of budget restrictions, are being stretched to the point where those services given are so minimal that sometimes they are ineffective.

RANDY CUTLER
FAPE QUESTIONS & ANSWERS

1. What is your understanding of the term "free appropriate public education?

All children should receive a free education that will enable them to be as self-sufficient and self-supporting as possible.

2. As a parent of a handicapped child can you tell us what, if any, programs are offered by your school district to nonhandicapped children but not to handicapped children?

None--to the best of my knowledge.

3. What impact has Public Law 94-142 had to date on the quality and quantity of school services provided the handicapped by your school district?

The whole school system is now aware and involved in providing services--and Special Education or Continuum Education is now a 1st class citizen in our school system.

FAPE (continued)

4. Since the enactment of Public Law 94-142 what progress has been made and what problems remain with respect to the identification, diagnosis and placement of handicapped children?

Since the enactment of PL 94-142, a vigorous effort has been made to "find" high risk children entering Kg and have them evaluated, diagnosed, and properly placed before the school year begins. There are also pre-school classes run by parent groups and private schools that are publically funded. The problems which remain have been heretofore identified, e.g. lack of sufficient services, i.e., psychiatric services.

5. To your knowledge are there any state or local limits on the amount of reimbursement that parents may receive for private school placement or for cost of related services? If there are such limitations, do they conflict with the requirement in Public Law 94-142 that a free appropriate education be provided to every handicapped child between the ages of 5 and 18?

Montgomery County has curtailed reimbursement for private schooling whenever it offers programs for those handicaps. However, the private schools sometimes seem to offer many more services, e.g. above indicated psychiatric, diagnostic and therapeutic services.

6. As a parent of a handicapped child, how would you rate the overall effort of school administrators and teachers in providing your child with a free appropriate public education?

As a parent I felt that many teachers sought and fought for more for my child. I found many school administrators and some teachers indifferent to my child's needs and sorely lacking in ability and compassion.

## QUESTIONS

Not Applicable

### IEP QUESTIONS

1. Does your child have an IEP?

2. At what stage in the development of the IEP were you encouraged to become actively involved? How were you notified?

3. Who comprised the IEP development team for your child? Was the special education teacher involved in the development of the IEP?

4. Were any social service agencies which might provide related services to your child involved in the development of the IEP?

5. Were your child's IEP conferences scheduled during regular school hours? Did you participate actively in the development of your child's IEP?

6. What, if any, problems did you encounter as a parent in the development or implementation of your child's IEP?

7. What follow-up procedures were used to ensure that the goals and objectives of the IEP were actually carried out in the classroom?

8. In your opinion, were the services of your child's school adequate to implement the provision of his IEP?

9. Do you feel the IEP requirement stipulated by Public Law 94-142 has affected the quality of the educational services available to your child?

10. In your opinion as the parent of a handicapped child how might the process of developing and implementing IEP's be improved?

11. What proportion of your IEP deals with related services, such as transportation, physical therapy, etc.?

12. If you were given the opportunity to amend the Federal regulations which govern the IEP, how would you change them?

Testimony to the Senate Sub-committee
on PL 94-142

Jeanne E. Thomas
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June 26, 1979

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE, I am Jeanne Thomas, a classroom teacher in Richfield, Minnesota. I serve as the Minnesota Education Association's inservice chairperson. It is in this position that I have surveyed the teachers of Minnesota about their concerns regarding PL 94-142, helped develop a workshop to deal with these needs, and had numerous contacts with teachers throughout the state of Minnesota.

I feel that the concerns of teachers should be presented to this committee. Three basic questions that arise again and again in discussions with teachers are: "What has been the impact of 94-142 on teachers?" Second, "What are the frustrations that the classroom teacher faces in the implementation of this law?" And, thirdly, "What would be the most effective method of inservicing teachers to give them the skills necessary to implement the law?"

Considering the first question: "What has been the impact of this law on teachers in the classroom?" Throughout the state of Minnesota, the most consistent thing that comes through in talking with the classroom teachers is their concern for the students involved. They do not show fear in facing children with handicaps; most have dealth with various forms of handicapped children throughout their teaching careers. The biggest concern, however, is the lack of training to meet the challenge of these students.

Let me give you only two experiences that I as a classroom teacher have encountered personally. Todd is a boy who is legally blind. He has less than

1/10 normal vision. He was introduced to me one morning 30 minutes before the start of the school day. It was then announced to me that this was a new student to be enrolled in my class of 28 children. I had received no training to deal with Todd's handicap. There was a provision for Todd to meet with a teacher of the blind from District 287 for 1½ hours a week to develop skills needed to adjust to the world. My training from this person consisted of talking to her when she visited the school to work with Todd. District #287 also printed the reading book for Todd in large print. Because of the backlog of such printing, this book did not arrive until Christmas time.

Todd also received 45 minutes daily help from the Remedial reading teacher. The rest of the day was spent with me. My feelings were ones of total frustration. How did I teach a student who couldn't see the blackboard, whose learning had to be auditory and who couldn't take notes on what he was learning? How could I effectively help this student until I learned more about teaching the blind? Notice that I did not say would not teach but how to most effectively teach this student.

The other experience I would like to share with you today is of two profoundly deaf students who were placed into our team in a Middle School situation. These students did not speak, could not hear when spoken to, and had a reading ability of about the 3rd grade level. Paul and Ward had a special teacher from District 287 who spent the morning with them in their classes, signing what the teacher said to them. In the afternoon they had a special language development class for 1 hour. The rest of the time was spent with the teachers on our team.

How much more rewarding and less frustrating an experience this would have been for all 8 of us if we had been given some inservice to help us deal with the problems that are particular to the profoundly deaf.

The least restrictive alternative for these boys was very rewarding in some ways, but so frustrating in others.

The second question: "What are the frustrations of teachers under 94-142?" There are several that seem to be universal with every teacher I have talked to in the past two years. The first one is time. Where is the time going to come from to attend the conferences so essential to the writing of an IEP? What about time to meet with parents, special teachers and others that are involved in the programs for handicapped children? Where can be found the time to become as knowledgeable as possible about the handicaps that these children have?

Time is also needed to devote to the rest of the class. Many teachers will speak glowingly about the success and achievements of the handicapped students, and then speak about how much of their time is taken to deal with the problems that arise and are they doing the right thing by giving so much of their time and effort to a small percent of the total students?

The second frustration comes from not having enough training to deal with a handicapped child. Many times there isn't enough information shared about a particular handicap and ways to work with the child. Some secondary teachers state that they aren't even told when a learning disabled child is placed in their class until the child has failed the course.

The third question: "What would be the most effective method of inservicing teachers?"

A Minnesota pilot research project in inservice methods showed that teachers learn best from other teachers, from a variety in styles and from more than one presentor. An intensive program throughout the country must be undertaken to train classroom teachers. We mustn't forget that telling a person an idea or fact immediately makes them aware of that idea or fact. Research shows that spaced repetition is the best way of learning. We teach students using this method. Why not use the same proven method to educate professionals. It takes at least six repetitions of any idea or concept for a person to learn it well enough to use it effectively.

Using this idea, why not have an inservice program where the teachers can choose the topic they want to learn? A survey of staff members, conducted by the district, would provide a clear idea of what the teachers in that district feel their needs are, not what the administration thinks its teachers need. Then, set up in each district 3 or 4 full day workshops to deal with specific areas of the handicapped. Remember Ward and Paul? How those of us involved with these two would have loved to have a day of inservice to learn about the deaf and the teaching of the deaf!

There is also a need to provide speakers to talk with classes of students to sensitize them to the needs of handicapped classmates. How differently the students in my own classroom reacted to Todd, the legally blind boy, after hearing from someone who worked with the blind, explaining ways they could help Todd in his daily life.

The three needs that I have touched upon today are certainly not new or original ideas. I'm sure that you have all heard this in many forms in preceeding days of listening to testimony. The basic three questions of importance to teachers of handicapped students in the regular classrooms must be dealt with; because when the frustrations are relieved, the inservicing is done; and the final impact of 94-142 is assessed, then we will certainly be able to answer the question, "Is all this time, effort, and money worth it?" Having seen the wonder in the face of Todd when, with the aid of a telescope, he saw stars for the first time in his life the only possible answer is YES, it is worth it.

Thank you for the opportunity to present these ideas.

# TESTIMONY
# ON THE
# IMPLEMENTATION OF PUBLIC LAW 94-142

RESPECTFULLY SUBMITTED TO THE
SUBCOMMITTEE ON THE HANDICAPPED
UNITED STATES SENATE
COMMITTEE ON LABOR AND HUMAN RESOURCES

PRESENTED BY
MARY BETH BRUDER
BURLINGTON, VERMONT

THURSDAY, JULY 26, 1979

My name is Mary Beth Bruder and I graduated in 1979 from Trinity College in Burlington, Vermont with a Bachelor's Degree in psychology and a concentration in education. I am certified to teach elementary education, K-6 and special education. For the past three years I have been teaching at the Ira Allen Essential Early Education Center in Burlington, Vermont. Essential Early Education is a term used in Vermont to refer to educational services provided to children birth to school age who may be deficit in one or more of the following skill areas: motor, communication, cognitive, social and self-help. We in Vermont are fortunate that our legislature is committed to providing essential early education to all of Vermont's handicapped population, birth to school age by 1983.

My testimony today will consist of:

1. A brief overview of Vermont's committment to the education of all handicapped children.
2. A description of the setting in which I teach.
3. Three components of 94-142 and how they affect the population I serve:
    a. Individual Education Plans
    b. Least Restrictive Environment
    c. Parent Training
4. The need to continue and expand Essential Early Education programs throughout the nation.

In 1973, Vermont adopted a plan to comprehensively meet the educational needs of all its handicapped population age 0 to 21 by 1983. This plan was consequently refered to as Vermont's Special Education 10 Year Plan. Needless to say, with the passage of PL 94-142 Vermont's 10 Year Plan was revised accordingly and special education services were provided as mandated by the Federal Law. However, Vermont's revised 10 year plan is still the mandate which addresses essential early education in the state. During FY 1979, 11,813 handicapped learners were served in Vermont. The total fiscal allotment our state and local agencies provided was $13.5 million while federal monies contributed $1.2 million. That money only served 70% of our state's handicapped school population and only 22% of the handicapped preschool population. In the coming year under FY 1980, 79% of our state's school population, but only 23% of the handicapped preschool population will receive the services they so desperately need. This is an increase of only 30 preschoolers. Unfortunately, in our state, diminished monies are hurting children. As of now only 465 of the state's projected 2,145 eligible preschoolers are receiving essential early education services. Fiscal resources, both state and federal, will be the determiner as to whether our state reaches its goal of providing free appropriate public education to all of its handicapped children and youth age 0 to 21 by 1983.

The Ira Allen Essential Early Education Center is located in Burlington, Vermont, the state's largest community, and serves a population base of 100,000 people. Our program is regional, which means that this year it served children from 14 surrounding school districts as well as Burlington. The age range we serve is birth through 7 and these children must have a measurable deficit in either motor, language, preacademic, social, or self help skills. These children are referred to us by their parents, pediatricians and the school districts in which they reside. For instance, a mom or dad may notice that their child is not walking, talking, eating or dressing himself at the same pace as their other children. They might bring their concerns to their pediatrician who in turn may make a referral; or a local school district may refer a child they have identified through their local early education screening. If eligible, the child and his family are then offered the comprehensive services they might need from our program.

Our program has two components, a home based and a classroom based. The former is designed for those children under 3 years and the services are primarily delivered by a special education teacher weekly in the home. The teacher works with the child on the specific developmental skills she may need, and then provides the parents with activities to reinforce those skills daily. Services in occupational, physical and speech therapy are provided as needed at the center.

Our classroom based program serves children 3 to 7. This past year I taught 18 children during two daily sessions. The commonality among them was that in some area of development they were significantly behind "schedule". However, the causes stemmed from a variety of conditions including Down's syndrome, cerebral palsy, autism, severe seizure disorders, and hearing impairment. As their teacher, I was responsible for assessing the children with a developmental minimum objective system which measured skill levels in the areas of motor, language, social and self help. Our students were also assessed by occupational, physical, and speech therapists. We would all then combine our results and recommendations and I would meet with the parents to write the child's Individualized Education Plan. Our students would receive any itinerant service they required (Speech, O.T., P.T.) either in direct service and or consultation to the classroom. Parent training was also a facet of my role as we were alloted ½ day a week to follow up our students at home. In our center the teacher acted as the primary case manager, monitoring the needs and services provided to both the students and their parents.

To focus on three components of PL 94-142, I would like to start with the most important. The concept of least restrictive environment has had a myriad of issues surrounding it. As a special education teacher, this mandates that whenever or wherever appropriate, handicapped students in need of special services should have the opportunity to receive them in an environment with normal peers. I feel that the successful application of this concept could prove to have the most far reaching effects. By fostering integration of the handicapped at the earliest possible time we would be developing awareness and acceptance of them from the beginning of the educational process. If we do this, I think that we will guarantee the continued success of 94-142 in the generations to come. We would also be providing a great educational service to our future generations because we all know that among the children of today are the future parents of the handicapped.

In our center we have become increasingly more dependent on day cares and kindergartens as well as providing special activities in conjunction with an area day care to provide our students with important social exposure in a normative setting. In regard to my students who are entering their local public schools, I have found that the biggest obstacle we face in fully implementing the aspect of least restrictive environment is attitudes. Unfortunately, this mandate has seemed to place a burden on those in general education not quite ready or willing to accept this added responsibility of teaching handicapped learners. To me, these teachers and administrators have two needs which must be addressed quickly and comprehensively.

First, their level of awareness and understanding must be raised so that they can help promote total acceptance of the handicapped among their students; and second, it is apparent that all education professionals will have to be provided with the training and skills formerly attributed only to those in special education.

I feel that in time these problems will be resolved. As general educators become more exposed to handicapped learners and program adaptations, I feel that they will become adjusted to these new demands of PL 94-142. This is not to discount the fact that there are many legitimate concerns which this concept evokes. I feel, though, that the state educational agency and the local education agencies should have the responsibility to insure that "least restrictive setting" is being interpreted to benefit each child's needs; and then provide the teachers with the training they may need to deliver the services.

In Vermont, for example, our Special Education Council on Comprehensive Personnel Development (as mandated by 94-142) has been active in guaranteeing inservice training to those who need it, both on a local and state level. Our state teacher certification board has also responded to the new demands the law has placed on teachers by upgrading the special education teacher certification requirements.

In summary, I would like to underscore the long term benefits which I feel that the least restrictive setting provision of PL 94-142 will have on our nation in general.

We know that the most obvious is that our handicapped children and youth will no longer be isolated and shunned from society. They will now be able to become part of the mainstream through the educational process. More importantly, our future generations will now have the opportunity to develop and practice positive attitudes towards those with differences. I feel that this will have a tremendous impact by improving the general quality of all aspects of life for the handicapped. This will help to foster more productive and humane accomodations for those members of our society which our generation has deemed as devalued.

The next provision of PL 94-142 I would like to comment on is Individualized Education Plans. In my setting, a special education classroom, I feel that well written Individualized Education Plans serve as an invaluable planning and evaluation tool. We are now able to insure that every child requiring special education services will have a systematic plan which will guarantee his projected learning potential. As teachers, I feel that we should accept the responsibility of writing and implementing IEP's as the ultimate challenge to accountability in the classroom.

However, in Vermont we have seen that the initial challenge of IEP's seemed not to lie in the implementation of them, but in the actual writing of them, or more specifically, in the time it takes to write them. I have heard from many teachers that valuable teaching time is being lost in order to complete the IEP process. Certainly the time required to write thorough and accurate IEP's must be recognized. A 1977-78 survey conducted by the Vermont Association of Special Education Teacher estimated that the total time required to assess, plan and write one IEP was 8 hours and 22 minutes. In Vermont, one answer to this need has been for the State Department of Education to provide 2 extra inservice days for teachers so that they may complete the process of formulating quality IEP's without having to sacrifice teaching time. Also, I must state that in Vermont this has only been the second full year of the IEP requirement. We will undoubtedly see this process become refined and require less time as teachers bevome more proficient at it.

Another aspect of the IEP process which I have heard concern about is in the lack of parent involvement as mandated. I feel that this problem is one that must be addressed by all professionals. It is our responsibility to insure that parents are knowledgeable about the IEP process and feel comfortable enough with it to take full advantage of the rights it offers. How we can go about doing this may be an individual decision or, more realistically, it may be encompassed in a program of parent training and development which we professionals should provide.

In my capacity as a parent trainer I made sure that in addition to receiving information on their rights and responsibilities from myself and our administrator, my parents also participated in a training session on IEP development sponsored by our local association for retarded citizens. We also asked parents who were involved in their child's educational program in a local district (i.e. elementary and secondary) to come to speak to my parents on advocacy techniques and how to work effectively and cooperatively with their schools. From my vantage point I feel that this made a tremendous difference in the way these parents participated in developing their child's individual education plan.

As a teacher I strongly feel that the IEP process is an important and necessary safeguard to insure that all children will receive appropriate public education in the least restrictive settings as determined jointly and cooperatively by the parents and the school. My only frustration lies in the inavailability of funds which are needed to fully implement the process.

This brings me directly to a hidden aspect of the law which I feel it necessary to comment on. From my perspective, the biggest need which PL 94-142 has uncovered is in the area of parent training. In my position working with children who have recently been identified as having learning handicaps, I can document the need for a comprehensive system of offering training to their parents. Generally, I feel that they could benefit from awareness training of their rights and responsibilities in developing their child's total education plan. More specifically and directly in relation to early education services, I feel that parent training is a necessity to insure that the maximum carryover of skills occurs in their most functional setting - the home. We all know that these children have many specific needs and that school serves only a portion of their day. It is our responsibility as teachers to see that the skills needed for daily living are generalized by our students and that parents are able to facilitate them as needed. In some instances this may mean training should be provided in the form of behavior management techniques, in others it could be in fostering correct feeding and/or motor skills or again, some language stimulation training. Now, I don't mean to suggest that parent training be encouraged only in early education. However, by building a firm base of parent training and support we can then insure that parent involvement will be an integral part of special education services. Now with the added parental responsibilities sanctioned through 94-142, I feel that special education must systematically plan to encompass the parental needs of those learners whose rights are now guaranteed under law.

In concluding my testimony, I would like to thank you on behalf of my 18 students and their parents for 94-142. This year 16 of them will be returning to their local school districts for services. Six of these will still be receiving services from our center while attending full time kindergarten. Out of the other ten, six will be going into a kindergarten or first grade setting, three into a resource room and one into a self-contained special class. Most of these students will require itinerant services in speech, motor or academic tutoring, but because of the law, they will be receiving these services in their least restrictive environments as documented by their IEP's. Eighty-two percent of the children leaving our center in June, 1979 will be entering a general education classroom in their local school district with specific educational recommendations that will enable them to be maintained in the mainstream of regular education. This is the goal of Essential Early Education in Vermont. Early intervention will minimize developmental delays. I have seen this occur daily in my setting and the data offers conclusive evidence.

In Vermont I am concerned with the 1,680 handicapped children age 0 to 6 who are not receiving the services they so desperately need. I am convinced that in order for this population to achieve their full learning potential and take advantage of their rights, early intervention is a necessity. The law was written so that the handicapped mayexercise their constitutional mandate for free appropriate public education. I feel that the key to its success will be in its full implementation. This, to me, includes offering a continuum of educational services from the earliest point possible to those who may need them. We know that children with handicaps do not learn by mere exposure to new stimuli which many of us are fortunate enough to be able to do. These children require direct teaching in a variety of intensities and forms in order that they may develop as close to the norm as possible. It is essential that we do not deny them or their parents the chance to achieve this.

PL 94-142, the Education of all Handicapped Children Act, has been a success in my experience as a teacher. I urge you to now think about the rights of those children it has inadvertently forgotten, those children age 0 to 6 for whom early intervention is essential.

In closing, may I again thank you for the Education of all Handicapped Children Act. I ask you to continue to make the intent of the law a reality by allocating the fiscal resources needed to do so.

Mary Beth Bruder

Question 1. By what procedures is eligibility for comprehensive services in essential early education determined?

Answer 1. Eligibility for essential early education is determined by a deficit in the areas of motor coordination, communication, cognition or social and self-help skills. A child from 0-3 years of age must have a clearly measurable deficit. A child from 3-4 years must have a 1½ year deficit in one or more skill areas, while a 5-6 year old must have a 2 year deficit in one or more areas. Additionally, if a staffing team concurs that a child will probably exhibit a deficit if not provided service, she can be considered essential early education eligible. This eligibility entitles a child to services provided by a certified essential early educator either in her local district or at a regional center if her district has alloted the funds for such services. Additional services in the areas of speech, occupational and physical therapy can be included provided that (1) the district has the staff, (2) the health department has the staff (occupational therapist and physical therapist). Unfortunately because of both unavailability of the funds which are needed to hire these itinerent services and the unavailability of qualified personnel, most of Vermont's eligible preschoolers do not receive the essential early education (either type or scope of services) they need.

Question 2. Can you explain further the nature of the setting in which your 3-7 year old program is housed?

Answer 2. The Ira Allen Essential Early Education Center is a public school based program housed in a facility attached to an elementary school. Unfortunately, because of Burlington's declining school population the Ira Allen Elementary School is closed. Our center is now a self contained special education facility. We have 6 classrooms - 5 of which are occupied by the 3-7 year old program, and 1 which is used for evaluations by our home-based programs as well as a physical therapy room. We also have a home demonstration room (used for parent training and feeding programs) and a large motor room. All of these rooms as well as the individual therapy rooms have observation rooms. There are 6 offices for our home program staff, occupational therapist and physical therapist staff, 2 speech therapists, speech aid and our director. A medical suite is used by our nurse, as well as staff from child development clinic, and as an individual therapy room. There are also 4 small rooms used for individual sessions, a staff room, a conference room, an audio visual room, a reception area (lobby), and various large supply closets.

Question 3. Would you explain the benefits you see accruing to a program which is in many respects self-contained?

Answer 3. The only benefits I see for a program to be self-contained are (1) the staff are all centrally housed allowing for a great deal of coordination, (2) it is easier for visitors to observe the scope of all the services the staff has to offer and the wide range of children which are served.

Question 4. Do you feel the children served by this program would derive as much or more benefit from placement in a more "integrated" setting?

Answer 4. I feel that the children we serve would definitely benefit more from placement in a more "integrated" setting. We made sure that our students were enrolled in a normal preschool setting at least part of the time they weren't with us, and we also brought other children into our classrooms from an area day care. Plans are under way for this to occur as part of our program next year. That is each class will be integrated with normal peers.

Question 5. You mention concern with the attitudinal barriers of regular educators and administrators. In what ways do you see these barriers interfering with the education of handicapped children?

Answer 5. There are still attitudinal barriers existing among regular educators and administrators in regard to providing the least restrictive environment for handicapped students. Many people still feel that certain handicaps (i.e., Down's Syndrom, hyperactivity) prevent students from learning - anything - and should therefor be dealt with only by specialists. They feel that (1) they should not have to "cope" with such differences in general education, (2) their students should not have to deal with special kids, and (3) they do not have the training to specialize among their students. We have found that these concerns must be addressed before we attempt to place one of our outgoing students with a person who has these feelings. If we don't the student will never have a chance to succeed.

Question 6. Do you feel the present educational system is effectively addressing this issue?

Answer 6. I think that many people are committed to addressing this issue, though I feel that many times the burden has been placed on those special educators who are most interested in placing their students in a less restrictive setting. To me the brunt of this re-education process has fallen to individuals as well as State and local systems. As a matter of experience, I feel though that individual efforts have proven as effective and sometimes more so then any formal system of consciousness raising and training in regard to handicaps.

Question 7. What problems do you observe with regard to time requirements and parental involvement in the IEP process?

Answer 7. This answer is included in my testimony.

Question 8. Do you feel the degree of parental involvement now provided for through the IEP process is sufficient?

Answer 8. I do feel that the degree of parental involvement now provided for through the IEP process is sufficient, provided that the parents are given the necessary training needed to participate fully.

Question 9. It is our understanding that HEW has funded programs responsible for developing Vermont's consulting teacher program. Can you explain this model for training special educators and give us some idea of its impact on the program with which you are involved?

Answer 9. The consulting teacher model trains teacher to be special educators and work in schools either serving children individually or in small numbers, or serving the needs of general educators who are maintaining handicapped students in their classrooms. In our center, we offered limited training to consulting teachers training to be essential early educators. Unfortunately because of Vermont's reduced essential early education programs many of those trained to be essential early educators in the past two years are now employed in other roles in Vermont's school system. Next year there is a large class of consulting teachers training to be essential early educators. Since both the entrance requirements for these students have been reduced and there is not an essential early education trainer on the UVM consulting teacher training staff (both important differences from the past) I feel that there will be some impact on our center. This impact however will only be confined to the center's teachers training responsiblities and will in no way influence the intensity or scope of services which are delivered to children.

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A POWERFUL FORCE FOR BETTER EDUCATION

August 8, 1979

Senator Jennings Randolph
Chairman, Subcommittee on the Handicapped
Room 4232, Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Randolph:

Thank you for the opportunity to participate in the oversight hearings on Public Law 94-142 held July 26.

Enclosed are my responses to the questions presented to me at that time.

As a classroom teacher, I appreciate the opportunity to bring to the committee some of the problems and frustrations teachers are encountering in the implementation of this law.

Truly,

Jeanne E. Thomas

Jeanne E. Thomas
13733 Wentworth So.
Burnsville, MN 55337

JET/rsm

Enclosure: Responses to questions

President — Donald C. Hill, Northfield
Vice President — Martha Lee (Marti) Zins, Hopkins
Treasurer — Larry Kaasch, Rochester
Executive Director — A.L. Gallop, St. Paul

Jeanne Thomas
Classroom teacher
Richfield, Minnesota

1. What kinds of special training are now provided to regular classroom teachers who teach handicapped children?

   To discuss this question, I feel it necessary to subdivide it into specific categories:

   A. Minnesota State Department of Education

      1. Pamphlets were written by the State Department to inform the various segments of the educational community of their responsibilities. This group included the parents, administration, special education teachers, and classroom teachers.

      2. The State Department Inservice Committee (a state funded committee) trained a cadre of teachers from locals or cooperative units upon the request of these districts or units.

   B. School Districts

      1. Informational sessions were held in most districts on what an IEP is and how the district planned to write or use the form it developed. Most of these meetings were held prior to or after the school day.

      2. Many districts sent special education teachers to workshops or information sessions.

   C. Cooperative Centers:

      1. Inservice experiences were provided to locals that they served. Again, special education people were the major audience.

   D. Minnesota Education Association:

      1. A filmstrip was developed by the National Education Association that was made available to local associations to show members. This filmstrip was an introduction to the law and reflects the concerns of teachers.

      2. Printed material in the form of booklets, articles in magazines, etc. were distributed to the membership.

      3. An inservice program was developed by the IPD Inservice Committee that was offered through state colleges for college credit.

4. Personnel were provided to locals, upon request, to speak about the law and its implications. While all of these things are ongoing, there are many areas of the state that have had few or no workshops/training to aid the teachers.

2. To your knowledge, what is the extent of the regular education teacher's role in the development of the IEP? How much time would you estimate is required for that participation?

In some districts, the classroom teacher has no responsibility for the writing of the IEP, only to attend the conferences, the review conference, and any other conferences as needed. From my own experience, I find that 2½ to 5 hours per student, who has an IEP, is necessary to be involved in the IEP process.

3. What, if any, compensation is given to teachers who spend time beyond the regular school hours in the development of an IEP?

To my knowledge, there is no compensation, either monetary or time, given to classroom teachers for this task. Some special education people have time scheduled into their day for the paperwork or are provided with compensation for extra hours.

4. Who has the major responsibility for implementing the stipulations of the IEP, the regular teachers or special class teacher?

If the student is receiving special services outside of the regular classroom, the special education personnel are responsible. If the child is receiving advisory services, the classroom teacher is responsible.

5. In your judgment, how does this finding relate to the secondary curriculum in your school district?

The district I teach in has made a special effort to seek out and treat students at the secondary level. There are still many people, however, who are missed or mislabeled.

Funds are used to support existing special education, with no additional programs available.

Senator **Randolph**. We are faced with a rollcall again.

Perhaps someday we will have legislative days and we will have committee days. I have been advocating it for so long that I will not say how long. But we should have days set aside for committee hearings. We should have days set aside for debate upon the bills pending in the Senate.

It is necessary, not because of a desire not to listen to the last two witnesses but because of other committee assignments, that Senator Stafford and I fullfill other commitments. We will not be able to return.

We would like the last two witnesses that are coming up to know just what we are faced with, and there is nothing we can do about it now. We do sincerely thank all of the witnesses today. You are very helpful to us. Your ideas, concerns, and recommendations will be considered very carefully. I especially will be thinking of the testimony of the three citizens from West Virginia who have come.

Is there any comment you wish to make as we allow our assistants to continue the hearing for the last two witnesses?

Senator **Stafford**. Mr. Chairman, I would simply like to thank all three of the present panel for their contribution to our efforts and note that in the next and final panel we have another Vermonter, and with your indulgence, I will note at this time that Mrs. Lee Viets of Hyde Park, Vt., will be one of the two panelists, and she is the parent of a handicapped daughter. I particularly welcome her here to this oversight hearing. I have to apologize for the fact that time has overtaken me as well as you with this rollcall vote. I will not be able to be here for the testimony.

Senator **Randolph**. We will have Mr. and Mrs. Stephen A. Stitle. They are our next witnesses, and Mrs. Lee Viets will also be a member of the panel.

## STATEMENT OF MR. AND MRS. STEPHEN A. STITLE, ANNANDALE, VA.; AND MRS. LEE VIETS, HYDE PARK, VT., A PANEL

Mr. **Stitle**. Thank you, Mr. Chairman. My name is Stephen A. Stitle. This is my wife Elaine. We will divide the testimony. My wife's interest in this issue is as great as mine if not greater. She has been quite active within the local community of Fairfax on the subject of education of handicapped children and has been involved with two of our children in the IEP process, and the development of educational curriculum hearing-impaired children in Fairfax County.

Mrs. **Stitle**. We are pleased to have the opportunity to comment today on Public Law 94-142 and we commend the chairman for holding these oversight hearings. Millions of Americans are affected by this law around the country, and it is essential in our opinion that this statute and its implementing regulations be carefully reviewed to determine whether the original legislative intent has been fulfilled.

We appreciate the opportunity to briefly describe our personal views on the impact and effectiveness of Public Law 94-142 and in particular as it relates to our own experiences. We will briefly comment and provide examples on those sections of the law that are most important: One, free, and appropriate education; two, the concept of the least-restrictive environment; and three, the individual education program. Finally, we will provide the subcommittee with the specific recommendations for consideration.

In the way of background information, we have three children, two of whom are profoundly deaf. Kristin, who is age 6 and Kevin, age 4. Kevin was recently chosen as one of the two national poster children by the Better Hearing and Speech Institute. He is an excellent example of what public education, when properly provided, can do for the handicapped. He is currently enrolled in the Camelot Elementary School in Fairfax County, Va. Camelot is a public school with an enrollment of 600 students of which approximately 75 are hearing impaired. The school operates a normal elementary program for both types of students and there is mainstreaming of the hearing impaired students when circumstances warrant.

We have participated in the design of the educational curriculum for our children through the IEP process and we are familiar with both the Federal and State laws and regulations on this subject.

The basic concepts as contained in the law are free, appropriate public education provided in the least restrictive environment with an IEP for each child. These concepts are essential to the education of a handicapped child, and Congress is to be commended for their insight and wisdom for designing this statute. While these concepts may be discussed separately, they are, in fact, intertwined in the practical application of a handicapped child's education.

Early attention and appropriate education of the handicapped will make these individuals more productive members of society—both socially and financially. They have special needs and they need special attention and Public Law 94-142 addresses those needs.

## INDIVIDUAL EDUCATION PROGRAM—IEP—THE APPEALS PROCEDURE—FREE, APPROPRIATE EDUCATION

Mr. Stitle. The IEP is essential for the handicapped child and it requires the involvement of parents and teachers working together for the benefit of the child. However, the procedures for resolving disputes need careful review. Suppose the parents and teachers agree on the education program set forth in an IEP and school administrators do not. This, in fact, occurred in our own situation. The teachers, both specialist and nonspecialist, who dealt with the child everyday agreed with us on the need for Kevin to have speech therapy every day as a part of his curriculum. School board administrators rejected both the parent and teacher requests.

The law, both Federal and State of Virginia, provides for a review and appeals procedure to resolve any disputes, so we elected to seek relief through the appeals process. In our own situation, it took an entire school-year to resolve one issue on the IEP—that is what was free, appropriate special education for Kevin Stitle with respect to the availability of speech therapy. We requested a change in the IEP in September and a hearing in January 1979. The hearing was not held until May 1979, even though the law states that hearing shall be conducted within 45 days of the request. The school board just simply refused to act.

The real issue is then how effective can an IEP process be when there are no penalties or sanctions for undue delays in resolving the dispute. The Fairfax School Board did not respond to our request for a hearing until nearly 3 months after our initial request. This should not be allowed. While this issue was being resolved, we spend nearly $3,000 for outside professional speech therapy.

We progressed through a very complex appeal, involving hundreds of hours of work, volumes of written material, preparation of testimony of professional and independent experts to resolve only one issue in the entire IEP. Had I not elected to appear per se in these proceedings, thousands of dollars would have been spent pursuing this appeal which, in our opinion, was totally unnecessary since the parents and teachers agreed to what was appropriate for Kevin.

When we contacted HEW for guidance on interpreting their own regulations, they simply refused to be involved, even though they had millions of dollars of Federal funds flowing to the State and in part of Fairfax County for this program. In reality, the very person this law is trying to protect is the one who suffers during the entire process.

We wish to recommend for your consideration that the law provide for penalties or sanctions should the school administration fail to follow the time limitation as set forth in the statute and regulations. Not only does there need to be penalties or sanctions for delays of the IEP review process, but there needs to be some clarification as to the meaning of the terms "free, appropriate education." Appropriate could be interpreted to be minimal or barely adequate as opposed to necessary. School administrators must recognize that minimal for a normal child is not minimal for a handicapped child. Speech therapy for a normal child is an ancillary service that may or may not impede educational development. For the hearing impaired, it is a related service and it is essential for the development of communication skills.

With respect to the free and appropriate education, we would recommend a more clear, concise definition of what the term "appropriate" means. It should be more than the bare minimum, or adequate, as the Fairfax County School Board interpreted the term in our situation.

For your information, after the hearing was conducted and the results were concluded by the hearing officer, the opinion of the hearing officer was in total support of the parents and teachers.

The concept of educating a handicapped child within the least restrictive environment is absolutely essential and once again, Congress is to be commended for including this concept in its approach to the education of the handicapped. These children can learn to adapt to society as you and I know it because of their interaction with normal students in the classroom. They are not normal nor will they ever be, but in order to develop to the best of their potential as well rounded, healthy individuals strong support for this concept is essential.

We are fearful that many areas around the country are just not making the effort required by Public Law 94-142 to provide the least-restrictive environment for the education of the handicapped.

They are still requiring the handicapped to attend State institutions or to be isolated in classrooms or travel long distances to attend classes because they are unwilling to meet the needs of these children.

In order to limit expenditures, different programs for the handicapped are oftentimes all placed in one structure. The fact of the matter is school administrators are unwilling to take the necessary steps to educate the handicapped. It is complex and it requires a greater effort. It is not enough for a school board to state to parents of the handicapped that we cannot provide a proper environment in this school district. You must go elsewhere.

We would recommend that HEW directly correspond or notify State school agencies that such practices are not in compliance with the spirit or the intent of the legislation. Furthermore, these school districts must provide education that is accessible for the handicapped child.

Thank you.

Mrs. **FORSYTHE.** Thank you very much, Mr. and Mrs. Stitle.

Mrs. Viets?

Mrs. **VIETS.** Thank you. My name is Lee Viets, and I live in Hyde Park, Vt. It is a real pleasure to have the opportunity to appear here today and to talk about my daughter Diana and how Public Law 94-142 has affected her educational opportunities. Through my work as executive director of United Cerebral Palsy of Vermont, I am involved with many other aspects of the implementation of this law, but I have chosen today to focus on my personal experience as a parent in an effort to illustrate some of my areas of concern in the implementation of the IEP process.

My daughter is now 15 and will enter 10th grade this fall. Though she is handicapped by cerebral palsy, a combination of her own academic abilities and her own determination, the flexibility which comes from living in a small town and especially the legal support of 94-142 have enabled her to receive all of her education in a fully integrated setting.

This has not always been easy, and during the last 2 years, 94-142 has been crucial in the attempt to provide the most appropriate education for her.

Her first school experience was in 1967 in a local nursery school. It happened that I was one of the three teachers, and it never occurred to any of us to exclude Diana. In fact, the class included several other handicapped children, a nonverbal child with a severe cleft palate, an emotionally disturbed child, and two children who spoke only French.

The following summer, the staff of the State child development clinic recommended that we seek an evaluation from the Vermont Achievement Center for possible placement there. Two and a half days were spent in examinations, tests, evaluations and assessments with the recommendation that Diana attend this school the following year. At the time she was only 4, and attendance at VAC would have meant placement in a foster home, and after much consideration, we rejected this recommendation in spite of the special therapies which were available there.

Instead, Diana went to the model playschool program at the University of Vermont. This group also included other children with disabilities as well as children from a variety of social and economic backgrounds. Again, an intergrated setting. In addition, Diana was able to receive physical and speech therapies from other departments of the university. This network of services, however, was located an hour's drive from my home in Hyde Park. So 3 days each week for 1½ years we drove 100 miles round trip to enable her to receive these services.

For the second half of the year before she entered first grade, Diana attended a model kindergarten program at the local State college, a distance of only 5 miles from our home. This was also an integrated community program.

Throughout these early years, and continuing to the present, Diana's father and I were motivated by the belief that her participation in family life and the social life in the community as well as her demonstrated ability to learn with her peers should override her possible needs for intensive special services which were only available at that time away from home in a nonintegrated setting. I should emphasize that her needs for these special services were always in the borderline area. We were able to implement this philosophy because we were fortunate enough to have both access to information about programs and access to the economic means to enable Diana's participation in them. I think it is most important in this context to emphasize the role that 94-142 will play in providing equal access to a free, appropriate public education for all children.

In September 1970, Diana entered first grade in the local school. There was no legislative support of 94-142. There were no special services. But good intentions and the teachers' willingness to experiment enabled her to be accepted into public school.

Further consultations with speech and physical therapists determined that her needs in these areas were minimal enough to omit them from her program when balanced against the driving time necessary to reach them. During her third year in school, Federal funds were used to set up a reading lab in which she participated for one-half hour each day. When she was in fourth grade, a speech pathologist was added to the district staff so that she could have speech therapy twice a week for about half of each school year.

During these first 6 years of school, she had some other forms of mechanical assistance, an electric typewriter, a tape recorder, and often a teacher, an aide, or another student was enlisted to write her answers on tests as Diana dictated them. But I want to remind you that this was done because of my personal contact with her teachers and not required by an IEP.

In September 1976, Diana entered the district union high school as a seventh-grade student. I was concerned that this transition from elementary to secondary school might be disastrous, but it was very successful, both academically and socially.

The past 2 years have not been so successful. The school work has become more demanding and the teachers are less willing or able to experiment, and in addition, for the first time, Diana experienced some social difficulties. During eighth grade, it seemed to me that she was not developing adequate mastery of communications skills, especially reading and spelling and that she needed additional and perhaps different instruction. I also noticed a tendency for her teachers to categorize some of her adjustments to stress and fatigue as daydreaming or nonmotivation. I was assured that she was doing at least as well as the average student and there was little cause for concern.

I worked with her frequently at home during that year and was still disappointed with the lack of well developed skills in reading and spelling. She also did not receive speech therapy during those 2 years because the speech services were concentrated in the elementary schools, and I thought it was time for this to once again be included in her program.

And so, 1 year ago, prepared, I thought, by my experiences as an advocate for others, I called the school to request an evaluation and the development of an IEP for my daughter. I found the reality of local implementation to be seriously flawed.

In August of last year, I was sent a parent consent form to sign which would give permission for testing. This form outlined some of the due process procedures but did not mention the IEP process or invite my participation in any way.

After I returned the form signed to the school, I was notified by telephone of several things that (*a*) no one in the school knew of any other more effective methods of teaching reading and spelling skills, (*b*) they did not know of anyone who could properly evaluate Diana, (*c*) she was not a priority child so they could not spend any of their limited evaluation dollars on her because they might need them later in the year, and (*d*) they had prepared an IEP, and they would like me to sign it.

This supposed IEP consisted entirely of suggesting concerning adaptations to the physical environment which had been made by me to the school guidance counselor following a conference with the State Child Development Clinic. There were no educational objectives in this IEP. The identified problem was listed as physical handicap caused by cerebral palsy, and the annual goal was to eliminate as many barriers as possible and to encourage Diana to be independent and successful. When I called the school to inform them that this was not an acceptable IEP, I was told only that no services could be provided without my signature.

After carefully weighing my obligation as an advocate to seek legal counsel, and use due process to obtain appropriate services, and my obligation as a parent to see that the services were in place as soon as possible, I opted to follow my parental instincts. I informed the school that I was certain it was possible to obtain an appropriate independent evaluation, that I would assist them to identify a team to perform it, and if necessary, would pay for it. By the middle of September, this evaluation had been arranged and would include testing in the school for placement and discussion with her teachers.

The evaluation was done in late October and showed that her language development and abstract reasoning were at or above her actual age level, and though she demonstrated some difficulty in development of language usage, she should be able to develop higher language skills through adequate programing. It was also extremely effective for qualified independent specialists to describe the effects of her physical disabilities on her academic performance.

A staff meeting with the team on the day of the assessment and subsequent discussion of the recommendations as well as several conversations with me about the components of an IEP finally resulted in a document that I was able to sign in December. I would like to add that later in the school year, in April, after I learned that the district had unused evaluation dollars, I was reimbursed the $233.75 which the testing had cost.

Perhaps the most important aspect of this outside assessment was the change in attitude which occurred after teachers realized more fully the true effects of Diana's cerebral palsy and the tremendous effort she invested in each learning task and that there were some alternative teaching methods available. In addition, she was invited to help keep score for the basketball team and scheduled for weekly talks with the school guidance counselor, both of these an effort to address her social difficulties.

I have taken the time to go into so many details in order to illustrate some of the important problem areas in the implementation of the IEP requirements of 94-142. (1) Parents are often not fully informed of their rights and (2) they are often left out of the IEP process until (3) they are instructed to sign the IEP without prior involvement. (4) Appropriate evaluations are not always made available due to: (*a*) lack of knowledge of appropriate resources, (*b*) questionable decisions about the allocation of evaluation dollars, and (*c*) refusal to recognize that after September 1978 the priority categories are no longer in effect. (121a.320 see comment.) (5) School personnel are often inadequately prepared to write appropriate IEPs which reflect all of the requirements of the regulations, and finally, (6) teachers, coordinators, principals and superintendents are also often inadquately informed as to the: (*a*) requirements of 94-142, (*b*) the individual needs of students with disabilities and (*c*) the teaching skills necessary to work successfully with these students.

So I offer the following recommendations as practical ways to address these problems.

First, additional financial resources and administrative support for parent training must be available. School systems should be responsible for some portion of these training activities, but independent parent training centers, advocacy organizations, and State protective and advocacy systems must also be assisted to provide additional parent training. This provision exists in the regulations. (121a.382) It needs to be more widely utilized.

Second, technical assistance and inservice training for all teachers and administrators must be more widely available. School systems must provide positive support by way of inservice days, recertification credits, or release time for teachers who participate in these training activities. The training must include information about the unique needs of children with varying disabilities and the possible effects on educational performance of those disabilities as well as the skills to work effectively with children with a variety of needs and adequate information about the contents of 94-142, especially the IEP process which is the heart of a free, appropriate public education.

And the same information about disabilities, methodology, and the law must be included in all degree granting programs responsible for the preparation of future teachers.

I would like to add one further comment. I was fortunate enough on Tuesday of this week to participate in a BEH regional meeting on 94-142, and these comments were repeated by many participants as well as one that I did not prepare ahead of time, and that was the request for a standard IEP form, and I would respectfully submit that this be considered.

Thank you.

[The prepared statements of Stitle and Viets and responses submitted by Viets and the Stitles follows:]

# STATEMENT OF
# MR. & MRS. STEPHEN A. STITLE

BEFORE THE
SENATE SUBCOMMITTEE ON THE HANDICAPPED
COMMITTEE ON LABOR AND HUMAN RESOURCES
UNITED STATES SENATE

## INTRODUCTION

My name is Stephen A. Stitle, and this is my wife, Elaine. We are pleased to have the opportunity to comment today on Public Law 94-142, 20 U.S.C. 1401 et. seq., and we commend the Chairman for holding these oversight hearings. Millions of Americans are effected by this law around the country, and it is essential in our opinion that this statute and its implementing regulations be carefully reviewed to determine whether the original legislative intent has been fulfilled.

We appreciate the opportunity to briefly describe our personal views on the impact and effectiveness of P. L. 94-142, and in particular as it relates to our own experiences. We will briefly comment, and provide examples, on those sections of the law that are most important: (1) "free, and appropriate public education;" (2) the concept of the "least restrictive environment;" and (3) the Individual Education Program (IEP). Finally, we will provide this Subcommittee with specific recommendations for consideration.

In the way of background information, we have three children, two of whom are profoundly deaf. Kristin, who is age 6, and Kevin, age 4. Kevin was recently chosen as one of two national poster children by the Better Hearing Institute. He is an excellent example of what public education. when properly provided, can do for the handicapped. They are currently enrolled in the Camelot Elementary School in Fairfax County, Virginia. Camelot is a public school with an enrollment of 600 students, of which approximately 75 are hearing-impaired. The school operates a normal elementary program for both types of students and there is mainstreaming of the hearing-impaired students when circumstances warrant.

We have participated in the design of the educational curriculum for our children through the IEP process and we are familiar with both federal and state laws and regulations on this subject.

The basic concepts as contained in the law are free, appropriate public education provided in the least restrictive environment with an IEP for each child. These concepts are essential to the education of a handicapped child and Congress is to be commended for their insight and wisdom for designing this statute. While these concepts may be discussed separately, they are, in fact, intertwined in the practical application of a handicapped child's education. Early attention and appropriate education of the handicapped will make these individuals more productive members of society -- both socially and financially. They have special needs and they need special attention, and P. L. 94-142 addresses those needs.

## INDIVIDUAL EDUCATION PROGRAM (IEP) -- THE APPEALS PROCEDURE -- FREE, APPROPRIATE EDUCATION

The IEP is essential for the handicapped child and it requires the involvement of parents and teachers working together for the benefit of the child. However, the procedures for resolving disputes need careful review. Suppose the parents and teachers agree on the education program set forth in an IEP and school administrators do not. This, in fact, occurred in our own situation. The teachers, both specialists, and non-specialists, who dealt with the child every day agreed with us on the need for Kevin to have speech therapy every day as part of his curriculum. School Board administrators rejected both the parent and teacher requests.

The law, both federal and State of Virginia, provides for a review and appeals procedure to resolve any disputes, so we elected to seek relief through the appeals process. In our own situation it took an entire school year to resolve one issue on the IEP -- i.e. what was "free, appropriate special education for Kevin Stitle with respect to the availability of speech therapy. We requested a change in the IEP in September and a hearing in January 1979. The hearing was not held until May 1979, even though the law states that hearings shall be conducted within 45 days of the request. The school board just simply refused to act.

The real issue is then how effective can an IEP process be when there are no penalties or sanctions for undue delays in resolving disputes. The Fairfax School Board did not respond to our request for a hearing until nearly three months after our initial request. This should not be allowed. While this issue was being resolved we spent nearly $3,000 for outside professional speech therapy.

We progressed through a very complex appeal, involving hundreds of hours of work, volumes of written material and preparation of testimony for professional and independent experts to resolve only one issue in the entire IEP. Had I not elected to appear pro se in these proceedings thousands of dollars would have been spent pursuing this appeal, which in our opinion was totally unnecessary since the parents and teachers agreed to what was appropriate for Kevin.

When we contacted HEW for guidance on interpreting their own regulations they simply refused to be involved even though they had millions of dollars of federal funds flowing to the State and in part to Fairfax County for this program. In reality, the very person this law is trying to protect is the one who suffers during the entire process.

We wish to recommend for your consideration that the law provide for penalties or sanctions should the school administration fail to follow the time limitation as set forth in the statute and regulations. Not only does there need to be penalties or sanctions for delays of the IEP review process, but there needs to be some clarification as to the meaning of the terms "free, appropriate education." Appropriate could be interpreted to be minimal or barely adequate as opposed to necessary. School administrators must recognize that minimal for a normal child is not minimal for a handicapped child. Speech therapy for a normal child is an ancillary service that may or may not impede educational development. For the hearing impaired it is a related service and it is essential for the development of communication skills.

With respect to the "free and appropriate" education, we would recommend a more clear,concise definition of what the term "appropriate" means. It should be more than the bare minimum,or adequate,as the Fairfax County School Board interpreted this term in our situation.

LEAST RESTRICTIVE ENVIRONMENT

The concept of educating a handicapped child within the "least restrictive environment" is absolutely essential and once again, Congress is to be commended for including this concept in its approach to the education of the handicapped. These children can learn to adapt to society as you and I know it because of their interaction with normal students in the classrooms. They are not "normal," nor will they ever be -- but in order to develop to the best of their potential as well-rounded, healthy individuals, strong support for this concept is essential.

We are fearful that many areas around the country are just not making the effort required by P.L. 94-142 to provide the "least restrictive environment" for the education of the handicapped. They are still requiring the handicapped to attend state institutions or be in isolated classrooms or travel long distances to attend classes because they are unwilling to meet the needs of these children.

In order to limit expenditures different programs for the handicapped are oftentimes all placed in one structure. The fact of the matter is school administrators are unwilling to take the necessary steps to educate the handicapped. It is complex and it requires a greater effort. It is not enough for a school board to state to parents of the handicapped that we cannot provide a proper environment in this school district -- you must go elsewhere.

We would recommend that HEW directly correspond or notify state school agencies that such practices are not in compliance with the spirit or intent of the legislation. Furthermore, these school districts must provide education that is accessible to the handicapped students.

### RESPONSES TO QUESTIONS SUBMITTED BY
### THE SUBCOMMITTEE ON THE HANDICAPPED
### TO
### MR. & MRS. STEPHEN A. STITLE
### ANNANDALE, VIRGINIA

1.Q. In your testimony you mention "mainstreaming when circumstances warrant." Will you describe for us the circumstances and degree to which your handicapped children are mainstreamed into regular class programs?

A. Our daughter Kristin is mainstreamed in all instances whereby she is able to comprehend and actively participate with normal students. She is mainstreamed for reading, math, physical education and group activities such as science.

Our son Kevin is in an intensified special education classroom during the morning which includes only hearing impaired children. In the afternoon he is mainstreamed for language arts and group activities.

2.Q. You mention the need for reform in procedures for altering IEP provisions. How would you characterize the due process disagreements in your school district? Do they tend to result from: philosophical differences between parents and educators; financial considerations; divergent expectations about the capability of the handicapped child?

A. Our experience illustrates that there are differences between parents and the school administration. I feel this is in part due to financial considerations, but more important, the administration's lack of firsthand knowledge of the student's capability. We have had virtually no problems between the actual teachers and parents. It is the administrators who do not interact with any regularity with the child who are trying to determine what should be in the child's IEP.

3.Q. Are there any differences between the due process requirements mandated by Public Law 94-142 and those required by your local district?

A. No.

4.Q. In your experience, who pays the various expenses incurred in a due process proceeding?

A. The school administration has the responsibility to pay for the due process proceeding.

5.Q. How would you rate the success of the due process procedures of Public Law 94-142 in helping to assure your handicapped child of free and appropriate public education?

A. Satisfactory, but extremely slow and time consuming.

6.Q. In your opinion how has Public Law 94-142 changed the quality of educational services provided to handicapped children in --

-- regular classrooms
-- special education classes
-- residential settings?

A. Yes, without a doubt in all three situations listed in our present area of the country. I am certain this is not true in all areas of the U. S.

LRE QUESTIONS

1.Q. What do you understand the requirements of Public Law 94-142 to be regarding the placement of handicapped children in least restrictive environments?

A. The Public Law requires that handicapped children be provided with an educational setting that is as close as possible to the placement of normal children participating in public education.

2.Q. What changes have occurred with respect to the placement of your handicapped child in a least restrictive environment as required under Public Law 94-142?

A. Efforts are continually made, when possible, to mainstream our children with normal students in the classroom setting.

3.Q. Does your child spend any part of his day in a regular classroom?

A. Yes.

4.Q. For what activities is your child included in the regular class program?

A. Kristin - reading, math, science, art, physical education and group activities.

Kevin - language arts and group activities.

5.Q. Do you feel the time spent in the regular class is appropriate to your child's educational needs?

A. Yes.

6.Q. Do you know whether the regular class teacher receives any special assistance or materials in order to develop an appropriate individualized program for your child in the regular class?

A. Yes.

7.Q. What are the differences in class size between the regular class and special education class your child attends?

A. The special education classes are smaller.

8.Q. Have there been any problems with nonhandicapped students accepting handicapped children in the regular classroom?

A. No.

9.Q. Who is providing the majority of educational services for your child? Do you know what proportion of his educational program is the responsibility of a

-- special education teacher,
-- regular class teacher,
-- classroom aide?

A. Where special education is required a teacher with specialized training is used. In the normal class situation, these teachers also have special education training for the hearing impaired child.

10.Q. How would you respond to the concern that some handicapped children are being "dumped" into regular classrooms and thus are receiving fewer educational services than would be provided in self-contained classes or residential settings?

A. We do not have a situation where hearing impaired children are dumped into regular classrooms.

FAPE QUESTIONS

1.Q. What is your understanding of the term "free, appropriate public education?

A. The term "free, appropriate public education" means to us that each child who attends a school which receives federal funds under Public Law 94-142 shall be entitled to receive education within a public school at no additional cost to the parent. The term "appropriate" in this phrase means education provided that is far more than "minimal" or "adequate." It must be education that is designed for the individual needs of the child.

2.Q. As a parent of a handicapped child can you tell us what, if any, programs are offered by your school district to non-handicapped children but not to handicapped children?

A. We are not aware of any.

3.Q. What impact has Public Law 94-142 had to date on the quality and quantity of school services provided the handicapped by your school district?

A. The quality and quantity of education for handicapped children in our school district has been positively influenced by Public Law 94-142.

4.Q. Since the enactment of Public Law 94-142 what progress has been made and what problems remain with respect to the identification, diagnosis and placement of handicapped children?

A. We do not have the personal knowledge which would enable us to answer this question.

5.Q. To your knowledge are there any state or local limits on the amount of reimbursement that parents may receive for private school placement or for cost of related services? If there are such limitations, do they conflict with the requirements in Public Law 94-142 that a free appropriate education be provided to every handicapped child between the ages of 5 and 18?

A. Yes. We do not believe the limitations conflict with Public Law 94-142.

6.Q. As a parent of a handicapped child, how would you rate the overall effort of school administrators and teachers in providing your child with a free appropriate public education?

A. We believe there is a sincere effort by teachers to provide an education for our children. We have strong reservations about the sincere approach of the school administrators.

IEP QUESTIONS

1.Q. Does your child have an IEP?

A. Both of our children have an IEP.

2.Q. At what stage in the development of the IEP were you encouraged to become actively involved? How were you notified?

A. We were encouraged to become involved when a draft of the IEP was prepared by the teacher. We were notified in writing to meet with teachers and immediate administrators to review the IEP.

3.Q. Who comprised the IEP development team for your child? Was the special education teacher involved in the development of the IEP?

A. The special education teacher and school administrator of the program developed the IEP.

4.Q. Were any social service agencies which might provide related services to your child involved in the development of the IEP?

A. No.

5.Q. Were your child's IEP conferences scheduled during regular school hours? Did you participate actively in the development of your child's IEP?

A. The IEP conferences were held during school hours. We participated actively in the development of our children's IEP's. However, it would be beneficial for parents to be more involved in the early stages of the IEP process.

6.Q. What, if any, problems did you encounter as a parent in the development or implementation of your child's IEP?

A. Our testimony before the Subcommittee outlines the problems that we encountered in the development of our children's IEP's. The implementation of the IEP has taken entirely too long in our opinion.

7.Q. What follow-up procedures were used to ensure that the goals and objectives of the IEP were actually carried out in the classroom?

A. Through informal discussions, we continually followed the implementation of the IEP's for each of our children.

8.Q. In your opinion, were the services of your child's school adequate to implement the provision of his IEP?

A. Yes.

9.Q. Do you feel the IEP requirement stipulated by Public Law 94-142 has affected the quality of the educational services available to your child?

A. Yes.

10.Q. In your opinion as the parent of a handicapped child how might the process of developing and implementing IEP's be improved?

A. In our testimony before the Subcommittee we made several recommendations on how to improve the IEP process. The time period for the final resolution of disagreements is entirely too long. School adminstrators do not, in our experience, follow the time restrictions placed in the statute. If disputes are not resolved within the time frame designated in the statutes and regulations then the IEP should be placed in effect as outlined by the parents.

11.Q. What proportion of your IEP deals with related services, such as transportation, physical therapy, etc.?

A. A small portion deals with related services, but in our situation speech therapy, which is a related service, is absolutely essential.

12.Q. If you were given the opportunity to amend the Federal regulations which govern the IEP, how would you change them?

A. IEP's should be prepared in advance, completed and implemented by the first day of school in any school year.

# STATEMENT

# RESPECTFULLY SUBMITTED TO THE

# SUBCOMMITTEE ON THE HANDICAPPED

# UNITED STATES SENATE

# COMMITTEE ON LABOR AND HUMAN RESOURCES

PRESENTED BY
LEE VIETS
HYDE PARK, VERMONT

My name is Lee Viets: I live in Hyde Park, Vermont. It is a real pleasure to have the opportunity to appear before you today and tell you about my daughter, Diana, and how P.L. 94-142 has affected her educational opportunities. Through my work as Executive Director of United Cerebral Palsy of Vermont, I am involved with many aspects of the implementation of P.L. 94-142, but I have chosen to focus on my personal experience as a parent in an effort to illustrate some of my areas of concern in the IEP process.

Diana is now 15 years old and will enter tenth grade at the local union high school this fall. Although she is handicapped by cerebral palsy, a combination of her academic abilities and determination, the flexibility of a small town, and eventually the legal support of P.L. 94-142 have enabled her to receive all of her education in a fully integrated setting.

This has not always been easy as you will see and, during the last two years, 94-142 has been crucial in the struggle to provide the most appropriate education for Diana.

In order to fully appreciate the value of the federal mandate in this case, I'll share with you a brief look at Diana's entire school career. Her first school experience was in 1967 when she attended the local cooperative nursery school as had her older sister. I was one of the three teachers and it never occured to any of us to exclude Diana. In fact that class included a non-verbal child with a severe cleft palate, an emotionally disturbed child, and two children who spoke only French.

The following summer the staff of the state Child Development Clinic recommended that we seek an evaluation from the Vermont Achievement Center for possible placement there. I spent 2½ days in Rutland with Diana while she was examined, tested, evaluated and assessed. The ensuing recommendation was that Diana attend V.A.C. the following school year. Since she was only four, and attendance at V.A.C. would have meant placement in a foster home during the school year, we rejected this recommendation, in spite of the special therapies which were available there.

Instead, Diana was entered in the model playschool program run by the Early Childhood Department at the University of Vermont. The playschool group included several children with disabilities and children from a variety of social and economic backgrounds; it was an integrated setting. In addition Diana was able to receive physical and speech therapies from other departments of the University. This network of services, however, was located an hour's drive from our home in Hyde Park so, three days each week for a year and a half, we drove 100 miles round trip to enable her to receive these services.

For the second half of the year before she entered first grade, Diana attended the model kindergarten run by the Preschool Education Program at Johnson State College, a distance of only 5 miles from our home. This was also an integrated community program, serving two towns which did not have public pre-school classes, and placed great emphasis on developing reading readiness and writing skills.

Throughout these early years, and continuing till the present, Diana's father and I were motivated by the belief that her participation in family life, and the social life in the local community, as well as her demonstrated ability to learn with her peers, should override her possible needs for intensive special services which were only available at that time away from home, in a school in which all the children were handicapped in one or more ways. We were able to implement this philosophy because we were fortunate enough to have both access to information about programs and access to the economic means to enable Diana's participation in them, which included tuition to a neighboring town for her older sister, day care for her younger sister and many thousands of miles of driving for everyone. I think it is important in this context to emphasize the role that 94-142 can play in providing equal access to a Free Appropriate Public Education to all children.

In September of 1970, Diana entered first grade in the community school. I learned later that the principal had asked the school nurse if she should be placed in a special class. The nurse knew Diana and answered, "Diana's motor coordination is poor. If you would place a child with a broken arm in a special class, it might be appropriate for Diana." And so, without the support of legislation or special services, but with good intentions and teachers' willingness to experiment, Diana was accepted into public school.

Consultations with speech and physical therapists determined that her needs in these areas were minimal enough to omit them from her program especially when balanced against the driving time necessary to reach them. During her third year in school, federal funds were used to set up an intensive reading lab in which Diana participated for one half hour each day. When she was in fourth grade, a speech pathologist was added to the district staff and she received speech therapy twice a week for about half of each school year.

During these first six years of school Diana had some other forms of assistance; her sixth birthday present was an electric typewriter and from fourth grade on she has used it for most of her school and home work. She also used a tape recorder during this time, both to record lessons and assignments and to record her answers on homework and tests. And after the teacher, an aide, or another student was enlisted to write her answers on tests as Diana dictated them. But I want to remind you that this was done because of very personal contact with her teachers and not required by an IEP.

In September of 1976 Diana entered the district union high school as a seventh grade student. I was concerned that this transition from elementary to secondary school might be disastrous for Diana, but she had a very successful year, both academically and socially.

The past two years have not been so successful; the school work has become more demanding both in terms of time and difficulty, the teachers are less willing or able to experiment, and Diana has for the first time experienced some social difficulties. During 8th grade it seemed to me that she was not developing adequate mastery of communication skills, especially reading and spelling, and that she needed additional, and perhaps different instruction. I also noticed a tendency for her teachers to categorize some of her adjustments to stress and fatigue as "daydreaming" or "non-motivation." I was assured that she was doing at least as well as the average student and there was little cause for concern.

I worked with Diana preparing her school work at home frequently that year and was still disappointed with her lack of well developed skills in reading and spelling. She did not receive speech therapy during 7th or 8th grade and I thought it was time for this to once again be included in her program.

And so, a year ago, prepared, I thought, by my expereinces as an advocate for others, I called the school to request an evaluation and the development of an IEP for my daughter. I found the reality of local implementation to be seriously flawed.

In August 1978, I was sent a Parent Consent Form to sign which would give permission for testing. This form outlined some of the due process procedures, but did not mention the IEP process or invite my participation in any way.

After signing and returning the form, I was notified, by telephone, that a) no one in the school knew of any other, more effective methods of teaching reading and spelling skills; b) they knew of no one who could properly evaluate Diana; c) she wasn't a priority child so they couldn't spend any of their limited evaluation dollars on her because they might need them later in the year and d) they had prepared an IEP for me to sign.

This supposed IEP consisted entirely of suggestions concerning adaptations to the physical environment which had been made by me to the school guidance counselor following a conference with the Child Development Clinic. The identified problem was listed as "physical handicaps caused by cerebral palsy" with an annual goal "to eliminate as many barriers as possible for Diana---to encourage her to be independant and successful". This document did not meet any of the criteria for the content of the IEP as stated in the regulations (121a346). When I called to inform the school that this was not an acceptable IEP I was told only that no services would be provided without my signature.

After carefully weighing my obligation as an advocate to seek legal counsel and use due process to obtain appropriate services for Diana, and my obligation as a parent to see that the services were in place as soon as possible, I opted to follow my parental instincts. I informed the school that I was certain it was possible to obtain an appropriate independent evaluation; that I would assist them to identify a team to perform it; and, if necessary, would pay for it. By September 15, I had arranged for an on-site evaluation to be performed by a team from V.A.C. which would include testing for placement and discussion with Diana's teachers.

The evaluation was done in late October and showed that her language development and abstract reasoning were at or above her actual age level, and though she demonstrated some difficulty in development of language usage, she should be able to develop higher expressive language skills through adequate programming. It was also extremely effective for qualified, independent specialists to describe the effects of Diana's physical disabilities on her academic performance.

A staff meeting with the team the day of the assessment, and subsequent discussion of the recommendations received in November, as well as several conversations with me about the necessary components of an IEP, finally resulted in a document that I was able to sign in December.

Also, early in April, after I learned that the district had unused evaluation dollars, and inquired, I was reimbursed the $233.75 which the testing had cost.

Perhaps the most important aspect of this outside assessment was the change in attitude which occurred after teachers realized more fully the true effects of Diana's cerebral palsy and the tremendous effort she invested in each learning task, and that there were some alternate teaching methods available to assist her. In addition, she was invited to help score for the girls basketball team and scheduled for weekly talks with the guidance counselor who now functions as an internal school advocate for Diana.

I have taken the time to delve into details in order to illustrate some of the more important areas in the implementation of the IEP requirements of P.L. 94-142 --

1 - Parents are often not fully informed of their rights, and
2 - they are often left out of the IEP process until
3 - they are instructed to sign the IEP without prior involvement.
4 - Appropriate evaluations are not always made available due to
    a) lack of knowledge of appropriate resources,
    b) questionable decisions about the allocation of evaluation dollars, and

c) refusal to recognize that after September 1978 the priority categories are no longer in effect as a Free Appropriate Public Education is mandated for all. (121a320 See comment).

5 - School personnel are inadequately prepared to write appropriate IEPs which reflect all of the requirements of the regulations.

6 - Teachers, coordinators, principals and superintendents are often inadequately informed as to the
   a) requirements of 94-142
   b) the individual needs of students with disabilities, and
   c) the teaching skills necessary to work successfully with these students.

The following recommendations are offered as practical ways to address these problems:

1 - Additional financial resources and administrative support for parent training must be available. School systems should be responsible for some portion of these training activities, but independent parent training centers, advocacy organizations and state P & A systems must also be assisted to provide additional parent training.

2 - Technical assistance and in-service training for all teachers and administrators must be more widely available.
   A. School systems must provide positive support (in-service days, recertification credit, release time) for teachers who participate in training activities.

B. Training must include information

1) about the unique needs of children with various disabilities, and

2) the possible effects on educational performance of those disabilities as well as

3) skills to work effectively with children with a variety of needs, and

4) adequate information about the contents of P.L. 94-142 especially the IEP process which is the heart of a Free Appropriate Public Education.

3 - The same information, about disabilities, methodology and the law must be included in all degree-granting programs responsible for the preparation of future teachers.

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BOX 156, HYDE PARK, VERMONT 05655
Telephone 802-888-2364

Executive Director
Lee Viets

Received
Date 8-[illegible]
Subcommittee on
The [illegible]

August 15, 1979

Senator Jennings Randolph
Senate Subcommittee on the Handicapped
10B Russell Senate Office Building
Washington, D. C. 20510

Dear Senator Randolph:

Enclosed please find the questions and answers requested as part of my testimony to the Subcommittee on the Handicapped on July 26th.

I am grateful to have had the opportunity to participate in the oversight hearings on P.L. 94-142. Please do not hesitate to call on me if I may be of further assistance.

Sincerely,

Lee Viets
Executive Director

LV:al
encl.
cc: Senator R. Stafford

BEST AVAILABLE COPY

LEE VIETS - QUESTIONS ON TESTIMONY

1. In your testimony you mention a communication from the school which stated your daughter was not a "priority" child. Can you tell us what that term means and how such a designation affects her educational programming?

There is no way I can evaluate what the school personnel meant by "priority" child. My reference was to the regulations (121a.320) and comment:

> "New "First priority children" will continue to be found by the State after September 1, 1978 through on-going efforts to identify, locate, and evaluate all handicapped children."

The interpretation by the school was that since Diane's handicapping condition and her educational needs were not termed "severe" they could not serve her needs (i.e. evaluation dollars) prior to serving all such children.

2. What is your understanding of the IEP criteria? In what ways did you feel your daughter's IEP was inadequate relative to that standard?

My understanding of the IEP criteria is based on the regulation (121a.346) which outline the required contents for each child's IEP:

> The individualized education program for each child must include:
> (a) A statement of the child's present levels of educational performance;
> (b) A statement of annual goals, including short term instructional objectives;
> (c) A statement of the specific special education and related services to be provided to the child, and the extent to which the child will be able to participate in regular educational programs;
> (d) The projected dates for initiation of services and the anticipated duration of the services; and
> (e) Appropriate objective criteria and evaluation procedures and schedules for determining, on at least an annual basis, whether the short term instructional objectives are being achieved.

In order to illustrate the ways in which my daughter's first IEP was inadequate relative to that standard, I am attaching a photostatic copy.

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Note: Additional detailed information may be found in the files of the Subcommittee on the Handicapped.

3. Who constituted the IEP Team shich designed your daughter's educational program?

   I don't know who was responsible for the first IEP. The one I signed was developed by the Special Education Coordinator, in consultation with all her teachers, and based on the reports and recommendations of the evaluation team from Vermont Achievement Center.

4. Did the school play any role in referring you to or securing for you an outside evaluator?

   No.

5. What mechanisms in the school's organization allowed for the incorporation of the outside evaluator's findings into your daughter's IEP?

   There is no reliable way for me to report on the school's organization. I do know that the response to the evaluation teams' visit and report was favorable. It was obvious to all that their findings could be of value in developing Diana's IEP.

## IEP QUESTIONS

1. Does your child have an IEP?

    Yes.

2. At what stage in the development of the IEP were you encouraged to become actively involved? How were you notified?

    I was not encouraged; I requested the development of the IEP. I wasn't notified. At my request, an initial IEP was mailed to me. As I detailed in my testimony it took 3 months and much discussion to develop the IEP I signed.

3. Who comprised the IEP development team for your child? Was the special education teacher involved in the development of the IEP?

    Most of her teachers (9th grade), the speech pathologist, consulting teacher and the evaluation team. The special education coordinator or teacher was not involved.

4. Were any social service agencies which might provide related services to your child involved in the development of the IEP?

    No.

Where your child's IEP conferences scheduled during regular school hours? Did you participate actively in the development of your child's IEP?

    No, after school hours at 3:30 P.M.   Yes.

6. What, if any, problems did you encounter as a parent in the development or implementation of your child's IEP?

    This is the main topic of my testimony.

7. What follow-up procedures were used to ensure that the goals and objectives of the IEP were actually carried out in the classroom?

    I monitored the program.

8. In your opinion, were the services of your child's school adequate to implement the provision of his IEP?

    No. Ideally, additional speech and physical therapy services, adaptive physical education and vocational guidance would be available.

9. Do you feel the IEP requirement stipulated by Public Law 94-142 has affected the quality of the educational services available to your child?

The improvements are unmistakeable.

10. In your opinion as the parent of a handicapped child how might the process of developing and implementing IEP's be improved?

The following recommendations are offered as practical ways to improve the process of developing and implementing IEP's:

1) Additional financial resources and administrative support for parent training must be available. School systems should be responsible for some portion of these training activities, but independent parent training centers, advocacy organizations and state protective and advocacy systems must also be assisted to provide additional parent training. This provision exists in the regulations (121a.382). It needs to be more widely utilized.

2) Technical assistance and in-service training for all teachers and administrators must be more widely available.

   A. School systems must provide positive support by way of in-service days, recertification credits, or release time for teachers who participate in these training activities.

   B. The training must include information
      a. about the unique needs of children with various disabilities, and
      b. the possible effects on educational performance of those disabilities as well as
      c. the skills to work effectively with children with a variety of needs, and
      d. adequate information about the contents of P.L. 94-142 especially the IEP process which is the heart of a free, appropriate public education.

3) The same information, about disabilities, methodology and the law must be included in all degree-granting programs responsible for the preparation of future teachers.

11. What proportion of your IEP deals with related services, such as transportation, physical therapy, etc.?

A large portion of the IEP is related to speech services; the speech pathologist has worked with language arts and social studies teachers to include goals related to both disciplines.

12. If you were given the opportunity to amend the Federal regulations which govern the IEP, how would you change them?

The regulations provide an adequate framework; I believe the task now is to carefully monitor and evaluate implementation efforts, to continue to inform all concerned, and to pursue compliance on all administrative levels.

FAPE QUESTIONS

1. What is your understanding of the term "free appropriate public education"?

A free appropriate public education is a program of special education and any related services required by the individual child, provided at public expense in conformance with an individualized education plan, and at the consent of the parents.

2. As a parent of a handicapped child can you tell us what, if any, programs are offered by your school district to nonhandicapped children but not to handicapped children?

The physical education programs do not include adaptive or individualized choices to meet the needs of physically disabled students.

3. What impact has Public Law 94-142 had to date on the quality and quantity of school services provided the handicapped by your school district?

The speech and language services have increased, the numbers and quality of evaluations and outside consultations have increased, the elementary schools are serving handicapped children in the classroom more often, and are increasing the available related services.

4. Since the enactment of Public Law 94-142 what progress has been made and what problems remain with respect to the identification, diagnosis and placement of handicapped children?

My testimony addresses this question. In addition, there are problems in a small state in finding outside evaluators who do not know either the child, the parent, the teacher or the administrator in either a social or professional role. There are problems caused by a shortage of highly skilled educational specialists in such fields as cerebral palsy, learning disabilities, hearing impairments. As long as there are segregated classes and facilities, problems of misplacement will continue.

5. To your knowledge are there any state or local limits on the amount of reimbursement that parents may receive for private school placement or for cost of related services? If there are such limitations, do they conflict with the requirement in Public Law 94-142 that a free appropriate education be provided to every handicapped child between the ages of 5 and 18?

No, there aren't limits in Vermont.

6. As a parent of a handicapped child, how would you rate the overall effort of school administrators and teachers in providing your child with a free appropriate public education?

Fair and improving -- their response has been increasingly supportive and responsive as they have become better informed about 94-142.

LRE QUESTIONS

1. What do you understand the requirements of Public Law 94-142 to be regarding the placement of handicapped children in least restrictive environments?

   P.L. 94-142 requires that handicapped children be educated with non-handicapped children to the maximum extent possible.

2. What changes have occurred with respect to the placement of your handicapped child in a least restrictive environment as required under Public Law 94-142?

   None -- she has received all of her education in an integrated setting.

* 3. Does your child spend any part of his day in a regular classroom?

* 4. For what activities is your child included in the regular class program?

* 5. Do you feel the time spent in the regular class is appropriate to your child's educational needs?

* 6. Do you know whether the regular class teacher received any special assistance or materials in order to develop an appropriate individualized program for your child in the regular class?

* 7. What are the differences in class size between the regular class and special education class your child attends?

   * These questions do not apply to my situation or would require repetitious answers.

8. Have there been any problems with nonhandicapped students accepting handicapped children in the regular classroom?

   Some, but in my experience they have not been greater than the problems experienced by all children with their peers.

9. Who is providing the majority of educational services for your child? Do you know what proportion of his educational program is the responsibility of a -- special education teacher,
   -- regular class teacher,
   -- classroom aide?

   Her program includes the services of a speech pathologist, and planned activities in each class (pre-algebra, biology, language arts, art) to aid in the development of reading and writing skills.

10. How would you respond to the concern that some handicapped children are being "dumped" into regular classrooms and thus are receiving fewer educational services than would be provided in self-contained classes or residential settings?

    This has happened, and continues in some cases. The answer is not to regress, but to go forward with increased vigilance in monitoring and enforcing the implementation of 94-142.

Mrs. **Forsythe.** Thank you very much, Mrs. Viets. On behalf of the staff of the Subcommittee on the Handicapped, I want to thank everyone who cooperated with this last minute change caused by the nomination hearings this morning as explained by Senator Randolph.

Thank you all for coming.

The next hearing will be on Tuesday, July 31, 9:30 a.m. in this same room, 4232, and we hope all of you who can will attend.

Thank you again.

[Whereupon, at 3 p.m., the subcommittee adjourned to reconvene at 9:30 a.m., July 31, 1979.]

# OVERSIGHT ON EDUCATION FOR ALL HANDICAPPED CHILDREN ACT, 1979

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TUESDAY, JULY 31, 1979

U.S. SENATE,
SUBCOMMITTEE ON THE HANDICAPPED,
COMMITTEE ON LABOR AND HUMAN RESOURCES,
*Washington, D.C.*

The subcommittee met, pursuant to notice, in room 4232 of the Dirksen Senate Office Building, at 9:27 a.m., Senator Jennings Randolph (chairman, of the subcommittee) presiding.

Present: Senators Randolph and Stafford.

Senator RANDOLPH. Ms. Hightower, Ms. Hartman, and Dr. Bork, if you would come to the table, please. A pleasant good morning to all of you. We welcome the witnesses to the hearing today of the Senate Subcommittee on the Handicapped, and we welcome those guests that are with us today. Many of you are active in the area of the subject matter.

This is the third in our series of hearings on the oversight of the Education for All Handicapped Children Act, Public Law 94-142.

We are gratified that we are having more parents as witnesses today.

Of necessity I must leave the hearing at 5 minutes of 10 to go to the Senate to manage legislation that will be called up at that time. The capable Senator from Vermont, who is the ranking member of this subcommittee, former Governor of that State, Robert Stafford, will be here and carry forward the hearing.

The previous two hearings, which included all parents and teachers, gave to those of us on the subcommittee many thought-provoking viewpoints. They analyzed the law as they feel it has an impact on their lives and the lives of handicapped children.

We have six more parents, I believe, who are going to bring us a report and talk about their experiences with the law as it operates at the present time.

Today we begin our hearing with Ms. Iris Hightower, and she is a teacher here in the District of Columbia public schools.

Would you proceed? Thank you very much.

## STATEMENTS OF IRIS HIGHTOWER, TEACHER, WASHINGTON, D.C.; JOYCE HARTMAN, DIRECTOR, SPECIAL EDUCATION, NORTH KINGSTOWN, R.I.; AND NORMA BORK, SPEECH PATHOLOGIST, ANGWIN, CALIF.

Ms. HIGHTOWER. Thank you, Senator Randolph. I appreciate being invited to testify at the Senate subcommittee oversight hearing on the handicapped.

I am a teacher of severely and profoundly handicapped children in the District of Columbia public schools, and I am a recent graduate of Gallaudet College, specializing in the area of multiply handicapped children with hearing and language disorders.

Today I would like to address or provide criticisms on the following aspects of Public Law 94-142, as related to severely handicapped black children in the United States: free and appropriate education, least restrictive environment, and the individual educational program.

The intent of Public Law 94-142 is to insure that any young person has the right to a free education at his own ability level, no matter what that level might be. On the latter end of the continuum of free and appropriate education for handicapped individuals is the provision of services for severely handicapped children. Least affected by Public Law 94-142 are infants and young children evaluated as being severely, profoundly, and physically handicapped. As a specialist in the field of education for the multiply and severely/profoundly handicapped, I have great concern for this population and can see that ignorance of the law is yet another barrier impacting on the lives of thousands of socioeconomically deprived families and their severely handicapped children. There is a special need for mandatory and effective early identification and intervention for economically deprived black severely handicapped infants. Too often is the black poverty-stricken population ignored by State education planners in providing services to which they are entitled. The special needs of black severely handicapped children in economically and educationally deprived families are of the utmost importance in developing programs and rendering services to them. Their environments are different from those of affluent and middle income families. Developmental delays in such skills as walking, self-feeding, toileting, speech and language are often a result of the apathy that is caused by poverty, lack of education and despair in parents of some black severely handicapped children. Inadequate health care and unhealthy living conditions compound the problem causing a rapid deterioration of the minds and the bodies of these children. Here are a few important recommendations to reduce the magnitude of this problem.

One, establishment of effective infant stimulation programs in public health facilities where black poverty-stricken families are being served nationwide. The Child Find Agency for Handicapped Children must coordinate their efforts with public hospitals and health clinics to identify more black infants with severe congenital anomalies—birth defects—and recommend placement in the few federally and State-funded infant stimulation programs that have been established across the country. I recently compiled some research in an article entitled—"Black Severely Handicapped Infants: Are They Being Served?" to be published by the Robert R. Morton Memorial Institute. I found that few hospitals and clinics are required by law to submit birth anomalies. That is one of the problems we have in identifying this population.

Two, more emphasis on prenatal care for uneducated and low-income women to prevent maternal diseases that cripple the unborn child.

Three, public child health care facilities staffed with doctors and paraprofessionals who are capable of meeting the medical needs of severely handicapped infants and children. I have run across several incidents in my career teaching profoundly handicapped children that the doctors and medical staff are not capable or are not willing to provide services for these children. They may be in need of hospital care and because of the severity of their handicap they are not allowed to receive overnight or long-term care in local public hospitals. One child, for instance, had pneumonia about five times in 1 year, and he, along with his teacher and parents, visited one of the public hospitals in the area and was told that he was too old to be in the child-care unit, and that the best thing would be to take him home, that he could not stay overnight. And this child needed care in that facility. I was very upset at that.

Four, effective guidance programs for low-income parents of severely handicapped children so that they may achieve optimal emotional adjustment to prepare to train their children in basic survival skills. Basic survival skills are toileting, walking, self-feeding, those skills that the child will need to live with independence in the household. In low-income family homes, these children may not get this, and they come to the public school not knowing how to care for themselves, not being able to toilet themselves, which require teachers to spend more time training them in these skills. I find that it delays the training process in cognitive and language skills.

Five, public educational programs that provide highly effective instruction to severely handicapped children of all ages and races with varying social needs.

Six, more emphasis on career development for black severely handicapped children of low-income families. Effective sheltered workshop programs for those individuals over 21 years of age. As you know, after 21 the law does not require any public supported services for these children. They need sheltered workshops, they need some kind of consistent work habits that they can perform to keep them mobile, to keep their minds clicking.

Seven, close work relationships among agencies concerned with their welfare. And I mean social services, health services, and any other services.

Eight, in-service training for educational aides and upgrading of their status in order to attract and keep men in educational programs for severely handicapped.

I have one thought I would like to bring up before the committee concerning the child that had pneumonia, and his family. We have a parent-training component in our day class program which requires us to go into home. In this particular home the living environment has been so poor and so unhealthy that our educational aide had a case of diarrhea as a result of visiting that home. I think that social services should provide counseling and some child-care relief for low-income parents that have severely handicapped children. Also, educational aides and teachers have to be provided with some kind of compensation for anything that could happen to them as a result of working with the population. And this is not the case. As a matter of fact, I can't get health insurance benefits because I am a temporary teacher in the school system.

As it relates to least restrictive environment, the law recognizes that it is important for handicapped children to have the experiences of functioning in the real world with normally developing children. However, due to separate education facilities, most severely handicapped children are not exposed to normally developing children. Those that have young sisters and brothers at home are fortunate. Many ambulatory severely handicapped children can be mainstreamed with normal developing preschool-age children in such activities as one-on-one and group play, field trips, swimming, and other social activities. The implication of this kind of interaction is that it will provide the handicapped child with peer role models for developing more appropriate social/ emotional and motor behaviors. As you know, most institutionalized children have those behaviors that not many normal developing persons like to see or be around. However, being around normally developing young children may provide an outlet for them to role model, and also it may encourage normal developing children, to become less prejudiced. I have found that not only the children are prejudiced, but the adults working in the school and in the community are prejudiced against severely handicapped children.

If the concept of mainstreaming is to be fully implemented, graduate courses should be financed by the school systems and offered to Kindergarten thru 12th grade teachers and school administrators. A prerequisite for new regular education teachers and administrators should be the successful completion of at least one course in special education, preferably "Introduction to the Education of Handicapped Children." Finally, additional in-service training on specific handicapping conditions should be imperative for all personnel serving handicapped youngsters.

As it relates to the individual educational program, the IEP is a new concept for many persons providing services to the handicapped. The goal of IEP development is to determine the most appropriate services that can be programed to help the child learn what he or she is ready to learn in a way that is appropriate to his or her learning style. In my opinion, this is the best educational concept developed since diagnostic/prescriptive teaching. However, in order to make it work, the State must monitor parent participation in developing and implementing the IEP. Parents must assume a greater responsibility in the education process. Initially, at least 2 hours of training per week should be provided parents of handicapped children to enable them to effectively teach their children at home. It is damaging to the child's potential if there is no carryover at home of proven training methods developed by teachers in the classroom. A summer program is imperative to the child's individual educational program so that what is taught during the year is not lost during the summer months.

In summary, a publicly supported interdisciplinary approach is necessary for the welfare of severely handicapped children aged 0 to 21 years in low economic environments. It is time that the Federal, State, and local governments assess the needs and provide some fair and productive beginnings for those severely handicapped young children.

Thank you.

Senator **Randolph**. Thank you very much, Ms. Hightower. I listened, except for the interruption I necessarily had to take by way of a phone call, to your testimony, and I found it to be provocative. There were certain statements that caused me to realize that you are not only an informed teacher, but also an inspired teacher.

Ms. **Hightower**. Yes; I am.

Senator **Randolph**. And I remember that in my school days—the teachers I remember now the most, although perhaps at that time I didn't fully appreciate them, were the teachers that knew not only their subject matter but also realized that there was a human side to any subject. That was the side that brought the teacher and the pupil a little closer together.

That's been your thinking, has it?

Ms. **Hightower**. Yes; it has, Senator Randolph.

Senator **Randolph**. How many years have you been teaching?

Ms. **Hightower**. I have been teaching a total of 2 years, but I have been in the educational process about, at least on the graduate level, 4 years.

Senator **Randolph**. Four years with two years in the specialized teaching area that you now discuss with us.

Ms. **Hightower**. Yes.

Senator **Randolph**. We will have questions for you, so that you will have the opportunity to develop answers that we can't ask at the witness table today. We try to do that because we feel that often it helps you, in answering a question, to have the time to write your response. Is that agreeable with you?

Ms. **Hightower**. Yes, it is, Senator.

Senator **Randolph**. We will have questions that are raised by your testimony, so you can respond in writing to us. You will have the questions before you leave today.

We are following this procedure, hoping that it will give to us a public record, a printed record, that others can read and study. Those of you in this room certainly have a knowledge of what is taking place, but we know that there are hundreds and hundreds of people that will read your testimony and the answers that you will give to our questions.

Thank you very, very much.

Ms. **Hightower**. I thank you indeed.

Senator **Randolph**. We have now Joyce Hartman. And, Joyce, I have been asked by Senator Pell to give a special welcome to you. He chairs the Subcommittee on Education, Arts and Humanities in this parent committee of which our subcommittee is a part. And, as you know, this is the Labor and Human Resources Committee. Senator Pell, as I have indicated, has that leadership which he carries forward in a very constructive way. He did want to welcome you to the hearing.

But to our subject matter. If you will proceed, we will be very grateful.

Ms. **Hartman**. Thank you very much.

My testimony today with regard to Public Law 94-142 is from the vantage point of a school administrator. As a director of special services, I have the responsibility to see that my school system is in compliance with the Federal and State mandates regarding education of the handicapped.

It is my intention in the testimony that follows to review the concept of an individual educational plan and the process by which this is accomplished and to address the concepts of the least restrictive environment and a free appropriate education for all handicapped students.

The concept of a free appropriate education for all handicapped students as provided for in Public Law 94-142 represents the only Federal mandate guaranteeing appropriate education for any given group. That a free appropriate education should be provided for each duly identified handicapped student is a positive and productive mandate. The difficulty arises in determining what constitutes appropriate, given the presenting problems of the student. As an administrator of special education, I have found that the question of appropriateness is often a major issue among professional staff, administration and parents. Differences in philosophical approaches to special education and service delivery models often create disagreement and confusion among team members who are responsible for determining an appropriate program. Moreover, the degree to which an IEP requires ancillary special services is an area of much concern and consternation. The responsibility for providing services under the rubric of education such as psychotherapy, occupational therapy and physical therapy have, indeed, raised fiscal and philosophical concerns and heated debate. Support services such as these have historically been considered medical rather than educational in content and prototype; therefore, they have been outside the realm of educational responsibility. The high cost of these ancillary services which now come under the jurisdiction of public schools are a source of conflict and fiscal burden to school committees across the country.

The concept of an individual educational program prescribed for a given handicapped student has led to a burgeoning of 1-to-1 service delivery. Such a service delivery model is, for a variety of reasons, inappropriate and unfeasible on a large-scale basis in the public schools. Moreover, since it is common thinking in special education that fewer—students to teachers—is better, private school placements are often viewed by parents and team members as more appropriate. Public schools have neither the fiscal nor staff resources to provide for programing for the handicapped in this manner, nor are there hard data to support the efficacy of 1-to-1 programing for mild and moderately handicapped students. While it stands to reason that in certain instances 1-to-1 service delivery is appropriate for the remediation of a given handicap for a given student, I do not believe that on a widespread basis such a service delivery model will serve the field of special education well. The burdens that such a model places on a school system can cause a strong negative backlash to the provision of special education services and to Federal and State mandates regarding the education of the handicapped.

As the law is written and implemented, the procedural safeguards allow for an appeal of a decision regarding the placement of a child if the proposed program is deemed inappropriate by the parent or guardian. When an appeals hearing is initiated for the review of an individual educational program, the issue to be addressed should be the appropriateness of the proposed educational intervention. In reality, the appeals hearing ends up being a review of procedural safeguards and timelines rather than the appropriateness of the proposed program. For example, a parent rejects an individual educational plan that essentially calls for a program that is appropriate. The hearing officer reviews issues such as mandated timelines and compliance with procedural safeguards and finds the local education agency to be in violation of due process. The hearing officer, based on these issues, rather than appropriateness of the program, then finds in favor of the parent and the individual educational plan is not implemented. This is especially true in States where cities and towns have not adequately geared up in the past few years to meet the mandate Public Law 94-142. It is conceivable and, in fact, often occurs that an individual educational plan that is appropriate to a child's educational needs is not upheld in the appeals hearing; the result is that the student is placed in a more restrictive environment, generally a private day program. Ironically, intervening timelines, other compliance issues and concomitant political factors that interface with the appeals procedure as outlined in Public Law 94-142 can and, at times, do mitigate against the provision of a free appropriate education in the least restrictive environment.

Public Law 94-142 requires school systems to identify, diagnose and deliver services to all of their handicapped students. The IEP procedure involves the assembling of a team of professionals to meet with the parents and, where appropriate, the student to design a program to meet the student's needs. As an administrator of special education, I see several problems with this procedure. Among the pressing problems in this regard are: the degree to which the process is inordinately time consuming, the degree to which the emphasis is on evaluation and diagnosis as opposed to treatment or remediation, and the degree to which the professional energies need to be rechanneled from paperwork to the delivery of service.

A conservative estimate of man-hours from the time a referral is received through disposition of the case is approximately 20. It should be noted that none of this time is spent in delivery of direct service to the student; rather it is spent in determining a differential diagnosis which may or may not lead to differential treatment and in precipitating voluminous paperwork that accompanies the IEP procedure.

I would like to examine with you the concept of differential diagnosis as it relates to special education and raise some questions and concerns regarding the efficacy of the medical model applied to education. An inordinate amount of diagnostic time is spent to determine whether a child has an auditory processing problem, a visual motor perceptual problem or to see if a child suffers from a dysfunction in one of the other basic perceptual processes. Such a model is in widespread use across the United States. However, the hard data in the field of special education suggests that attempts to differentially diagnose problems in the perceptual area and then remediate the perceptual processing problem directly are not efficacious. The theory behind Public Law 94-142 asserts that there is a need to determine a child's individual learning style before determining the special instructional methodologies and materials to be used in the teaching of that student. In what is generally called the modality model, children are described as auditory or visual learners according to relative strengths and weaknesses in their auditory and visual channels. However, the hard data with regard to the benefits of modality training have been most damning.

The only valid reason for investing time and personnel in differential diagnosis is if it yields a data-based differential treatment. The field of special education and more specifically the field of learning disabilities is embroiled in a philosophical battle regarding the instructional impact and workability of differential treatments of learning problems. To date, the research in the field seems to indicate that the most efficacious approach to the remediation of learning problems is good old-fashioned direct academic remediation. In this model it is necessary to determine for the purposes of diagnosis only what a child needs to learn rather than how the child should be taught. Once the skill deficits have been identified, a systematic and comprehensive approach to the teaching of each of those skills is the most effective manner in which to provide for a child's individual educational needs. Public Law 94-142 invests itself, in my opinion, in a wholesale commitment to a differential diagnostic approach that is not in keeping with the current research and literature in the field of special education. The identification procedures outlined in Public Law 94-142 place too much emphasis on the process of evaluation and not enough emphasis on the product of education.

I submit that a noncategorical service delivery model based on mild, moderate, and severe delineations is more effective and efficient in providing for individual educational needs. Those many hours of staff time now being consumed by labeling and differential diagnosis could be better spent providing direct remedial services to students.

Individual educational programs are the written statements developed jointly by the local education agency, the parent and, where relevant, the child to insure that a free public education appropriate to an individual handicapped child's needs will be provided. The individual educational plan speaks to the specific articulation of educational goals and objectives for the handicapped child including the content, implementation and evaluation of the child's educational program.

Senator **Randolph**. Ms. Hartman, would you permit me to break into your testimony. I have announced that I must go to the Senate—and Senator Stafford will be joining me later there today, because we are members of the Environment and Public Works Committee which is considering important matters.

I wish to introduce Senator Stafford, but whatever your commitment here and at other points, I cannot say, but you are very good to carry on at this point for me.

I think that you should know that in our Subcommittee on the Handicapped, there are five members, and those members are Senators Eagleton of Missouri, Riegle of Michigan, Schweiker of Pennsylvania, Stafford of Vermont and myself. I haven't introduced them as Democrats or Republicans because we have never had, and

I am sure never will have with our subcommittee, the surfacing of partisanship. We have our differences, but those are differences on the content of the subject matter.

And I want the record to always indicate that as chairman I could have no more cooperative minority leader on the subcommittee than the former Governor of Vermont, who is here now.

He will listen to the rest of your testimony, Ms. Hartman. And I do say, as I leave, that the majority whip of the Senate, Alan Cranston of California, especially wanted to welcome Dr. Norma Bork, and he said good words about you, and the work that you are doing. Senator Pell has done likewise with Ms. Hartman, who is from Rhode Island.

So since Washington, D.C., at the moment, isn't a State, why, I will continue to compliment, of course, Ms. Hightower.

So we are off to a good start, with good testimony. And, Senator Stafford, if you will continue. And if you, Ms. Hartman will resume the reading of your testimony.

Thank you very much.

[Senator Randolph leaves.]

Ms. **Hartman**. However, in practice individual educational plans do not always serve as the basic outline for a child's educational program. In my experience I have found that what is written into an individual educational plan is not necessarily what the teacher is teaching nor what the child is learning. The individual educational plan is often perceived by professional staff as a quagmire of paperwork and legal redtape, a necessary evil, as it were, that steals time from instruction.

I personally believe that the individual educational plan can be an extremely useful management tool for the teacher in overseeing a comprehensive, structured, and organized approach to providing for a child's educational needs. We are at a time in the public schools I believe when individual educational plans are now being properly prepared. At this point, we need to turn our attention to their being properly implemented.

The concept of the least restrictive environment establishes procedures that insure to the maximum extent plausible that handicapped children will be educated with children who are not handicapped, and that the removal of handicapped children from the regular environment will occur only when the nature or severity of the handicap is such that education in regular classes with the use of supplementary aids and services cannot be satisfactorily conducted. In some instances I suspect that in carrying out the mandate of the least restrictive environment there have been students who have not received adequate special individualized attention. However, it is my opinion that the mandate for and concept of the least restrictive environment has generally resulted in a positive approach to the education of the handicapped, especially the mild and moderately handicapped. Nevertheless, regular education teachers who are now receiving students in the mainstream as a result of the provision for the least restrictive environment are experiencing both consternation and anxiety. I believe this is the result of 10 years of special education literature and special educators promulgating the position that separate classes and "special" techniques are necessary to provide for the needs of handicapped students. Regular classroom teachers have been conditioned for years to think that special—handicapped—students could not and should not be left in the regular classroom setting. No wonder there is anxiety about the mandated mainstreaming approach now.

I am philosophically committed to the concept of the least restrictive environment and I believe that I am representative of most special educators in that commitment. However, it will take time and training for regular education personnel to accept that they have the skills and the support from their school system to adequately serve mainstreamed handicapped students.

In summarizing my concerns regarding the implementation of Public Law 94-142, I offer the following thoughts for your consideration. If our goal in special education is to provide a free appropriate education for every handicapped student, then we must invest in a wholesale commitment to establishing a hard data base for widely accepted differential remedial techniques so that we insure appropriateness and efficacy in instruction. The medical model must be replaced by a well-documented educational one. A faulty theoretical model results in ineffective teaching and in the end the education may be free, but not appropriate.

With regard to the individual educational program process, I believe that we must begin to streamline both the paperwork and the procedures now prescribed under the law. The present procedures put the emphasis on differential diagnosis rather than data-based differential treatment. We as educators are overdiagnosing, overevaluating, and, in general, collecting our data with a rake and then going through it with a fine-tooth comb. It would be far more appropriate to assess skill deficits and design programs of remediation around content areas rather than modality preferences or diagnostic labels. Movement toward a noncategorical approach to special education service delivery is submitted as a viable and efficient alternative that would serve to eliminate unnecessary evaluation procedures, streamline paperwork, and increase the amount of time we have to spend directly serving handicapped students.

If regular education teachers are to be expected to provide for the needs of handicapped students, it is necessary for school systems with the help of State and Federal agencies to provide meaningful inservice training programs to foster the development of improved instructional skills. As regular education teachers feel more comfortable and confident about serving handicapped students, the goal of the least restrictive environment concept will be enhanced.

Thank you very much.

Senator STAFFORD [presiding pro tempore]. Thank you very much, Ms. Hartman, for your testimony. I see we are fellow New Englanders, Rhode Island, and Vermont, and I think before we go to the next witness I will comment that we are going to submit written questions to members of all of the panels that will appear here this morning, so that you will have an opportunity in writing to respond to the questions that we have.

And some of the questions are already prepared, so we will serve notice on panel members that we will get them to you before you leave.

Additionally, I want to express my gratitude to all the panelists who are here today to help us in these oversight hearings on Public Law 94-142, and finally comment that I share the feelings of Chairman Jennings Randolph, who is very much concerned over legislation that is on the floor of the Senate this morning—that's why he had to leave. And his operating this committee in a bipartisan nature is true. It's been a great pleasure to serve with him on it ever since 1971, when I joined this subcommittee, which he had already served with with distinction.

And, as a final note, let me comment that I have a daughter in Vermont who is a specialist in special education for handicapped children in one of the school systems up there. She is trying to educate me further in the problems of that sort of activity.

Now, Dr. Bork, we would be very glad to hear from you.

Dr. BORK. Thank you, Senator Stafford. It's a privilege and a pleasure for me to be with you today to report on some of the problems facing the implementation of this law. I am speaking to you from an experience as a parent of a learning-disabled child, as an educator of many years, as a speech and language specialist, and as a child advocate.

My name is Norma Bork, and for 25 years I have lived with and worked with and cried with handicapped individuals and with those who love and serve them. For 20 of those years I have fought for the principles embodied in this law. Its passage was an important milestone in my professional and personal life.

Currently, I serve as speech, language, and hearing consultant for the North Bay Regional Center. This is a State agency charged with diagnosis, life planning, advocacy, and oversight services to the neurologically handicapped in three northern California counties. Through other activities I am also intimately familiar with many of the special education problems in four other California counties.

Today I would like to limit my comments specifically to some of the problems involved in the IEP as it is used in my area.

The law was warmly welcomed and hopefully followed by informed parents of the handicapped and by many other interested persons, including some school administrators.

However, many school administrators did not welcome it, for a variety of reasons, and the grudging, partial compliance, delaying tactics, and covert resistance of some key persons continues to be the most serious barrier to good faith implementation of the law. For instance, among the circumventing tactics I have personally witnessed are the bullying of parents into signing an agreement they did not want to sign, by implying that there would be retribution to their child for their refusal; the using of deliberately overtechnical vocabulary to alarm and confuse parents; the giving of conflicting information as to hearing time and dates; attempts to discredit the reports and/or reputations of other professionals brought to the hearings by parents; and the threat to close entire programs if objections or challenges were raised.

These examples are typical examples in many of the areas that I represent, and they are far from exhaustive.

As a partial preparation for my testimony today, I released a story to 45 newspapers and radio stations asking for personal experiences and comments relating to this law. I spoke to over 30 individuals from that source, and the largest number of complaints about the law involved the IEP. It seemed very clear that some clarification is needed regarding the function and the role of this critical part of the law if the legislative intent is to be realized.

To aid that process, I would like to suggest three major areas of concern with the IEP. These can be gone into more fully in writing, so my statements here will be rather general. Much confusion and anger could be avoided if, first, the role of the IEP were more specifically defined. If it is to be a contract, for instance, as most parents I talk with believe it to be, the person or persons responsible for fulfilling that contract must be designated more carefully.

Second, important clarifying policy is needed regarding the role of each participant, each team member in the IEP meeting. Each person's authority in decisionmaking, for instance, should be known in advance. At this time there is wide variation in the agenda of the meetings and in the personnel involved with resulting inequity and dissatisfaction among all concerned.

And, third—most importantly, in my mind—a ruling needs to be made as to whether the IEP should faithfully reflect the special needs of the child or the ability of the school to provide special services. This is a very difficult question, and is one which has afforded school administrators widespread abusive power to circumvent the intent of the law. More than any other item in the law I have had this question and this problem brought before me.

I would like you to know that I am not discouraged with the law, but I want it to be all that it was intended to be. And I appreciate your interest and the opportunity to bring these small suggestions before you.

Senator STAFFORD. Thank you very much, Dr. Bork. To all members of the panel, I will say that the committee appreciates your help, and the time and effort you have given and made to get here.

I can assure you that the members of the committee who are in other places this morning will read your testimony before we decide on any new moves, legislatively speaking. And if you will let staff here contact you before you leave, we will see that the questions that are prepared are delivered to you.

[The prepared statements of Ms. Hightower, Ms. Hartman, and Dr. Bork and additional material supplied for the record follow:]

# TESTIMONY FOR THE SENATE SUBCOMMITTEE OVERSIGHT HEARING ON THE HANDICAPPED

Submitted by: Iris L. Hightower
Teacher of Severely and Profoundly Handicapped
District of Columbia Public Schools

Hearing Date: July 31, 1979

Mr. Chairman, Subcommittee members, panelists, and audience, my testimony will cover criticism on the following aspects of P.L. 94-142 as related to severely handicapped Black children in the United States:

1. Free and appropriate education
2. Least restrictive environment
3. the Individual Educational Program (IEP)

## FREE AND APPROPRIATE EDUCATION

The intent of Public Law 94-142 is to insure that any young person has the right to a free public education at his own ability level, no matter what that level might be. On the latter end of the continuum of free and appropriate education for handicapped indivduals is the provision of services for severely handicapped children. Least affected by P.L. 94-142 are infants and young children evaluated as being severely, profoundly, and physically handicapped. As a specialist in the field of education for the multiply and severely/profoundly handicapped, I have great concern for this population and can see that ignorance of the law is yet another barrier impacting on the lives of thousands of socio-economically deprived families and their severely handicapped children. There is a special need for mandatory and effective early identification and intervention for economically deprived black severely handicapped infants. Too often is the Black poverty stricken population ignored by state education planners in providing services to which they are entitled. The special needs of Black severely handicapped children in economically and educationally deprived families are of the utmost importance in developing programs and rendering services to them. Their environments are different from those of affluent and middle income families. Developmental delays in such skills as walking, self-feeding, toileting, speech and language are often a result of the apathy that is caused by poverty, lack of education and despair in parents of some Black severely handicapped children. Inadequate health care and unhealthy living conditions compound the problem causing a rapid deterioration of the mind and the bodies of these children. Here are a few important recommendations to reduce the magnitude of this problem.

1. Establishment of effective infant stimulation programs in public health facilities where black poverty stricken families are being served nation-wide. The Child Find agency for handicapped children must coordinate their efforts with public hospitals and health clinics to identify more black infants

with severe congenital anomalies (birth defects) and recommend placement in the few federally and state funded infant stimulation programs that have been established across the country.

2. More emphasis on prenatal care for uneducated and low income women to prevent maternal diseases that cripple the unborn child.
3. Public child health care facilities staffed with doctors and paraprofessionals who are capable of meeting the medical needs of severely handicapped infants and children.
4. Effective guidance programs for low-income parents of severely handicapped children so that they may achieve optimal emotional adjustment to prepare to train their children in basic survival skills.
5. Public educational programs that provide highly effective instruction to severely handicapped children of all ages and races with varying social needs.
6. More emphasis on career development for black severely handicapped children of low income families. Effective sheltered workshop programs for those individuals over 21 years of age.
7. Close work relationships among agencies concerned with their welfare.
8. Inservice training for educational aides and upgrading of their status in order to attract and keep men in educational programs for severely handicapped.

LEAST RESTRICTIVE ENVIRONMENT

The law recognizes that it is important for handicapped children to have the experiences of functioning in the real world with normally developing children. However, due to separate education facilities, most severely handicapped children are not exposed to normally developing children. Those that have young sisters and brothers at home are fortunate. Many ambulatory severely handicapped children can be mainstreamed with normal developing pre-school age children in such activities as one-on-one and group play, field trips, swimming, and other social activities. The implication of this kind of interaction is that it will provide the handicapped child with peer models for developing more appropriate social/emotional and motor behaviors. Also, experience has shown that separation tends to encourage prejudices and unfair treatment of these children by other children and even adults.

If the concept of mainstreaming is to be fully implemented, graduate courses should be financed by the school systems and offered to K-12 grade teachers and school administrators. A prerequisite for new regular education teachers and administrators should be the successful completion of at least one course in special education -- preferrably "Introduction to the Education of Handicapped Children." Finally, additional inservice training on specific handicapping conditions should be imperative for all personnel serving handicapped youngsters.

THE INDIVIDUAL EDUCATIONAL PROGRAM (IEP)

The IEP is a new concept for many persons providing services to the handicapped. The goal of IEP development is to determine the most appropriate services that can be programmed [illegible] help the child learn what he or she is ready to learn, in a way that is appropriate to his or her learning style. This is the best educational concept developed since diagnostic/prescriptive teaching. However, in order to make it work, the state must monitor parent participation in developing and implementting the IEP. Parents must assume a greater responsibility in the educational process. Initially, at least two hours of training per week should be provided parents of handicapped children to enable them to effectively teach their children at home. It is damaging to the child's potential if there is no carry-over at home of proven training methods developed by teachers in the classroom. A summer program is imperative to the child's individual educational program so that what is taught during the year is not lost during the summer months.

In summary, a publicly supported interdisciplinary approach is necessary for the welfare of severely handicapped children aged 0 to 21 born into low economic environments. It is time that the federal, state, and local governments assess the needs and provide some fair and productive beginnings for those severely handicapped young children.

# BLACK SEVERELY HANDICAPPED INFANTS: Are They Being Served?

Iris L. Hightower, Author

## Abstract

Until the recent passage of P.L. 94-142 severely handicapped individuals were not provided a public school education. Institutionalization in public mental hospitals and some church sponsored facilities was primarily the only service available to them. Even now severely handicapped infants are mostly an unserved population in the United States. Black economically deprived and usually uninformed teenage girls and women are having a significant percentage of the unserved severely handicapped children born in this country every year. Socio-economic position and education level of parents have been important factors in determining the type of education children receive. In this paper, an attempt to show the need for mandatory and effective early identification and educational intervention for economically deprived black severely handicapped infants is presented, and the implications of providing publicly funded interdisciplinary early intervention for them and their parents or guardians are outlined.

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## DEFINING THE POPULATION

Who is the severely handicapped infant? This is a question that should not be answered with absolute certainty at birth for 95% of the cases of birth defects. It is difficult to predict from the infants' behavior how his capacity to adapt and mature physiologically and psychologically will ultimately be affected. However, any child born prematurely or even full term with any combination of congenital birth defects can be suspect of being severely handicapped. Those infants born with severe visual deficits, epilepsy, heart disease, microcephaly, sensory-motor disabilities, Rubella, Down's syndrome, brain damage and cerebral palsy are likely candidates for categorization as severely handicapped when they reach school age or even earlier.

What are some of the characteristics that denote severe handicapness? Based on a study of the population of the California Centers for the Developmentally Handicapped, Levine, Elzey and Fiske-Rollin (AAESPH Review, 1979) reported that (severely handicapped individuals function on a low developmental level in the following areas: cognition, ambulation, hand control, head control, visual acuity, auditory acuity, expressive verbal language, and expressive gesture/sign language). There has been ambiguity in defining the severely handicapped population as evidenced by Justen and Brown (1977). The Abt Associates (1974) developed a descriptive definition of the severely handicapped child:

> "Severely handicapped children and youth (are functionally defined as those persons age 21 and under who are either mentally retarded, emotionally disturbed, deaf/blind, or multiply handicapped and who exhibit two or more of the following behaviors with a degree of regularity:
>
> •Self-mutilation behaviors such as head banging, body scratching, hair pulling, etc.,which may result in danger to oneself;
>
> •Ritualistic behaviors such as rocking, pacing, autistic-like behavior, etc., which do not involve danger to oneself;
>
> •Self-stimulation behaviors such as masturbation, stroking, patting, etc., for a total of more than 1 hour of a waking day;
>
> •Failure to attend to even the most pronounced social stimuli, including failure to respond to invitations from peers or adults, or loss of contact with reality;
>
> •Lack of self-care skills such as toilet training, self-feeding, self-dressing, and grooming, etc.;
>
> •Lack of verbal communication skills;
>
> •Lack of physical mobility including confinement to bed, inability to find one's way around the institution or facility, etc."(p.5)

Other organizations and professionals in the field of special education have given definitions that were "exclusion based"--describing what the condition is *not*, or "educationally based"- describing the instructional needs of the child. Among them is the Department of Health, Education and Welfare (HEW)(1973), Bureau of Education for the Handicapped (BEH) (1975), Sailor and Haring (1977), and Justen (1976). Since there is ambiguity among professionals, there must be little or no understanding of the subject by many parents and persons not in the field of special education. Baker (1979) discussed the problem of "definition" and decided that... "Essentially, these persons lack the ability to function independently at the most basic skill level: self-care and self-preservation...(which) appear to be related to severe sensory, intellectual, neurological, emotional, physical, or multiple impairments."(p.59) Based on this fact, Baker proposed (1979) a more concise and criterion based definition which can be understood by both parents and special educators:

> "The severely handicapped individual is one whose ability to provide for his or her own basic life-sustaining and safety needs is so limited, relative to the proficiency expected on the basis of chronological age, that it could pose a serious threat to his or her survival." (p.60)

Black severely handicapped children represent a significant percent of this population.

## INCIDENCE OF SEVERE BIRTH DEFECTS AMONG BLACKS

Unfortunately, there are many potentially severely handicapped children born every year. The National Center for Health Statistics of HEW reported that approximately 8/10 of 1.0% of all births in the United States have anomalies. HEW did a study of congenital anomalies and birth injuries among live births in the United States for 1973-74 using birth certificates to show the relationship between the occurence of specific defects and variables such as age, education and residence of the mother, and race, sex, and birth weight of the child. The data was collected from 46 states and the District of Columbia. Their findings for 1973-74 showed that less than 1 percent of the birth certificates registered in the reporting areas were newborns with a congenital anomaly (821 of every 100,000 babies had birth defects and 216 of every 100,000 babies suffered birth injuries). 9.3 percent of those reported had two defects, and 2.9 percent had three or more defects. Although small in number, this population represents a significant portion of the potentially severely handicapped citizens of this nation.

There are, however, deficiencies in their reporting of birth defects and injuries among Blacks. It was reported that during 1973-74 the incidence of birth anomalies was 13 percent more frequent among Caucasian than among Black births (829.8 compared with 732.4) In the Northwest and West regions it was found that Caucasian congenital anomaly rates were lower than the Black rates by 8 and 14 percent[5], respectively, while in the North Central region the Caucasian rate exceeded the black rate by 9 percent and in the South region by 18 percent. The report stated that "this racial differential is mainly attributable to the substantially lower congenital anomaly rates reported in the South (630.7 per 100,000 live births), where 50 percent of all Negro births in the congenital anomaly reporting area occurred." The assumption was that the relatively low congenital anomaly rates observed in the South reflected a difference in reporting practices rather than a lower occurence of defects. The congenital anomaly rate for Caucasian births in the South was 21 percent lower than the national average and the rate for Black births was 25 percent lower. This reporting bias question is further amplified by the fact that 50 percent of all Black births while only 29 percent of all Caucasian births were in the South during this study. The racial differential issue becomes more clear when looking at the information received from each state in the study. From the 46 reporting states and the District of Columbia, these states gave no information on the following variables of the study:

| State | Congenital Anomalies | Birth Injuries | Legit. Status | Dates of Live Births & Fetal Death | Educational Attainment of Mother |
|---|---|---|---|---|---|
| Ala. | | x | | x | x |
| Ga. | x | x | x | x | |
| Ind. | x | x | | | |
| Md. | | x | x | x | x |
| Mass. | | x | x | x | |
| N.J. | x | x | | | |
| N.C. | x | x | | | |
| Ohio | | x | x | | |
| Tex. | | x | | x | x |

All of the above states reported no birth injuries. Georgia, Indiana, New Jersey, and North Carolina, which have large pockets of Blacks, reported no congenital anomalies. The HEW report recognizes a definite bias in the overall study resulting from the lack of reporting by those states. Naturally, the question arises as to whether there is significantly more black infants born with congenital birth defects and injuries than was reported. A more complete demographic study is recommended to give a true picture of the racial differential in congenital anomalies at birth in this country. Laws must be made to require all hospitals and clinics in each state to report the incidence of birth defects and injuries.

Other concerns of the HEW report that are important to the incidence of congenital anomalies at birth among Blacks are birth weight and age of mother. Low birth weight is a major factor in the rate of congenital anomalies and the incidence of malformations rise steeply for mothers aged 35 and over. The HEW report showed that nearly twice as many Caucasian babies with low birth weight were likely to have congenital anomalies than Black, although the pattern of risk by age of the mother was similar for Caucasian and Black births. Low birth weight is most often associated with lack of prenatal care. Look at the following statistics on prenatal care in a large urban community as compared to the nation:

| % of live births w/no prenatal care | | D.C. | U.S. |
|---|---|---|---|
| | All races | 6.5% | 1.3% |
| | Caucasian | 0.9 | 1.0 |
| | Black | 7.4 | 2.7 |
| % of live births w/no prenatal care before the last trimester | | | |
| | All races | 14.8% | 6.0% |
| | Caucasian | 7.3 | 5.0 |
| | Black | 16.0 | 10.5 |

Vital Statistics of the U.S. Vol. I. Table 1-84

The percentage of Black births with no reported prenatal care was significantly higher than Caucasian in the nation as well as in a large urban community. Those Black births with no prenatal care before the last trimester was even higher. A further look at the statistics on teenage pregnancy showed that women aged 15-19 at risk of unintended pregnancy, who did not receive prenatal care by organized clinic programs in 1975 was 32% in the District of Columbia and 71% in the United States. In terms of numbers, 32% represent 4,000 teenagers in the District of Columbia and 71% represent 2,907,000 teenagers in the United States. (Alan Guttmacher Institute, 1978) There is something very significant to note when looking at the statistics -- a definite parallel in the rate of births with congenital anomalies and the percentage of mothers who had no prenatal care.

An association between socio-economic status and the level of congenital malformations is also included in the HEW report. "The incidence of congenital anomalies generally decreased as educational attainment increased. The highest rate of congenital anomalies was associated with 9-11 years of schooling and the lowest rate with the completion of college or postgraduate education."(p. 12) Further, Altemus and Ferguson (1965) suggested that this association may be attributable to the less satisfactory prenatal care, poorer hygiene, and higher incidence of malnutrition and infectious disease found among mothers with less adequate income and education. It can be inferred from the statistics and doctors reports that a significant percent of children with severe birth defects are born to teenage girls and many of them are economically deprived Black teenagers. What is being done about this crisis?

## ESTABLISHED INFANT TRAINING PROGRAMS

The National Advisory Committee on Handicapped Children published data testifying that 62% of the handicapped children 0-5 years of age were unserved in the United States.(      ) Currently, there are 25 "model" infant training programs identified by an HEW Bureau for the Handicapped survey of programs and services for preschool handicapped children. BEH focused on a small segment of their program sources so that the information provided could be detailed and comprehensive. There were six other programs listed in the appendix which provide services to preschool handicapped children. An investigation of the information supplied by the survey showed no racial breakdown of the children being served. For a clear understanding of the scope of the severely handicapped population, publicly funded projects must supply that kind of demographic data. Each program supplied a program abstract, program summary, identification and screening procedures, diagnostic procedures, prescriptive procedures, child progress evaluation and parent services.

A further look at the literature on early intervention showed no particular interest by federal or local governments to study or meet the special needs of our poverty population in the education of their severely handicapped children. Too often is the Black poverty stricken population ignored by policymakers and local planners in providing services to which they are entitled.

## UNIQUE NEEDS OF BLACK SEVERELY HANDICAPPED CHILDREN

Many of our severely handicapped children, because of the neurological and sensory-motor problems, do not have the normal developmental experiences which lay the groundwork for early language, motor, and intellectual development. Despair with this developmental delay usually does not begin to show up in the lives of families with severely handicapped children until after the first year. At this time, there is an urgency in parents or guardians to relieve the pressures brought on by the less independent behavior of the child as compared to normal developing children. Severely handicapped infants born to socio-economically deprived mothers present an even greater problem. Where there can be emotional relief in economically stable families, there is little or none for economically deprived families. Middle and upper income families can afford child care and consistent health care which lessen the burdens of rearing a severely handicapped child. Increased stress caused by the burdens of rearing these children often lead to apathy and rejection of the children. Developmental delays in such skills as walking, self-feeding, toileting, speech and language are often a result of the apathy that is caused by poverty, lack of education and despair in parents of some Black severely handicapped children.

The special needs of Black handicapped children in economically and educationally deprived families are of the utmost importance in developing programs and rendering services to them. Their environments are different from that of affluent and middle income families. These children are often subjected to unhealthy and unsafe living conditions. A classic example, is a child with constant upper respiratory problems, severe brain damage, extremely poor hygiene who has three to five attacks of pneumonia per year. Inadequate health care and unhealthy living conditions compound the problem causing a rapid deterioration of the body. Life expectancy for this child is less than half that of a normal adult. Is this the quality of life that these vulnerable children must live?

RECOMMENDATIONS

This paper was done to emphasize that professionals in coordination with public and private agencies should begin to seek out and work towards meeting the needs of those severely handicapped children born to Black economically deprived and usually uninformed teenage girls and women. These children are largely an unserved population. Socio-economic position has always been an important factor in determining the quality of education a child receives. Since P.L. 94-142 grants all handicapped children the right to a public education, it is time the federal, state and local governments provide some fair and productive beginnings for those severely handicapped infants born to economically deprived mothers. The act of neglecting these children should be labelled as unjust and speedily changed. The Child Find agency for handicapped children must coordinate their efforts with public hospitals and health clinics to identify Black infants with severe congenital anomalies and recommend placement in federally funded infant stimulation programs that are being established across the country.

Here are a few important recommendations to reduce the magnitude of the problem:

1. Establishment of effective infant stimulation programs in public health facilities where Black poverty stricken families are being served nation-wide.

2. More emphasis on prenatal care for uneducated and low income mothers to prevent maternal diseases that cripple the unborn child.

3. Public child health care facilities staffed with doctors and paraprofessionals who are capable of meeting the medical needs of severely handicapped infants and children.

4. Effective guidance programs for low income parents of severely handicapped children so that they may achieve optimal adjustment to prepare to train their severely handicapped children in basic survival skills.

5. Public educational programs that provide highly effective instruction to severely handicapped children of all ages and races with varying social needs.

6. More emphasis on career development for Black severely handicapped children of low income families. Effective sheltered workshop programs for this population.

7. Close work relationships among agencies concerned with their welfare. A publicly supported interdisciplinary approach is necessary for the welfare of severely handicapped children of low income families.

## IMPLICATIONS

Parental interactions with severely handicapped children significantly contribute to the scope of their development or lack of it. The family is the first educational delivery system any child has because they start to learn there long before public educational services are available. Appropriate environmental conditions for deprived Black severely handicapped children could counteract the tendency of these children to exhibit severe

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delays. Patterns of concrete experiences that early infant stimulation programs can provide may prove fruitful longitudinally. Thus, with proper parenting and special education training for low income parents during these first years of life, the child could make the maximum use of what ever potential he brings into life. Many of these children are institutionalized because of the great burden they place on their families. However, with greater emphasis on deinstitutionalization and public support for deprived families of severely handicapped Black children, it is likely that these children could learn far more and progress further developmentally than is presently evidenced. A severely handicapped child who can meet his basic survival needs can become an adult who is able to contribute more to his community. Allen (1978) summarized this premise very eloquently:

> "...such early intervention holds great promise for prevention: prevention of the cumulative effects of untreated disabilities, prevention of secondary disabilities that are so confounding, prevention of the compounding interference of maladaptive behaviors that enter unbidden into the young handicapped children's behavioral repertoire when no intervention is available, and prevention of the severe disintegration that happens to so many families of severely impaired children left unsupported and to their own devices." (p. 39)

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August 14, 1979

8-20-79

Senator Jennings Randolph, Chairman
Subcommittee on the Handicapped
Room 4232 Dirksen Senate Office
Building
Washington, D.C. 20510

Dear Senator Randolph:

Thanks for inviting me to participate in the oversight hearing on Public Law 94-142. I sincerely hope that substantial notice is taken to the feelings and facts expressed by myself and the other participants. An appeal for action was voiced by all who spoke. Each person that gave testimony would feel secure to know, as would many parents and teachers of handicapped children, that the reason for having the hearing was to take some immediate monitoring and bugeting actions on P.L. 94-142.

Enclosed are answers to the questions regarding my testimony.

With respect, I am

Truly,

Iris L. Hightower

Iris L. Hightower
Teacher
District of Columbia Public Schools

IRIS HIGHTOWER - QUESTIONS

1. YOU MENTION IGNORANCE OF THE LAW AS A PROBLEM FACED BY ECONOMICALLY DISADVANTAGED FAMILIES WITH HANDICAPED CHILDREN. TO YOUR KNOWLEDGE, WHAT MECHANISMS ARE NOW IN PLACE TO DISSEMINATE INFORMATION ON SUCH MATTERS?

2. DO YOU FEEL PRESENT PROVISIONS ARE ADEQUATE, BUT ARE POORLY IMPLEMENTED OR DO THE PROVISIONS THEMSELVES NEED TO BE STRENGTHENED?

3. WHAT, IN YOUR OPINION, ARE THE MOST CRUCIAL NEEDS OF REGULAR EDUCATORS AND ADMINISTRATORS WHICH SPECIAL EDUCATION SHOULD ADDRESS?

4. IS THE OPPORTUNITY FOR SUCH SPECIAL EDUCATION IN THE DISTRICT OF COLUMBIA CURRENTLY PROVIDED THROUGH INSERVICE OR ADVANCED EDUCATION?

5. TO YOUR KNOWLEDGE, DO THE PARENTS OF THE HANDICAPPED IN WASHINGTON, DC, NOW HAVE ACCESS TO TRAINING PROGRAMS TO ASSIST THEM IN UNDERSTANDING AND CARRYING OUT PLANS FORMULATED IN IEP'S? IF SO, CAN YOU EXPLAIN THOSE PROVISIONS?

## QUESTIONS

### LRE QUESTIONS

1. What do you understand the requirements of Public Law 94-142 to be regarding the placement of handicapped children in least restrictive environments?

2. What changes have occurred with respect to the placement of your handicapped child in a least restrictive environment as required under Public Law 94-142?

3. Does your child spend any part of his day in a regular classroom?

4. For what activities is your child included in the regular class program?

5. Do you feel the time spent in the regular class is appropriate to your child's educational needs?

6. Do you know whether the regular class teacher receives any special assistance or materials in order to develop an appropriate individualized program for your child in the regular class?

7. What are the differences in class size between the regular class and special education class your child attends?

8. Have there been any problems with nonhandicapped students accepting handicapped children in the regular classroom?

9. Who is providing the majority of educational services for your child? Do you know what proportion of his educational program is the responsibility of a
    - --special education teacher,
    - --regular class teacher,
    - --classroom aide?

10. How would you respond to the concern that some handicapped children are being "dumped" into regular classrooms and thus are receiving fewer educational services than would be provided in self-contained classes or residential settings?

## ANSWERS TO QUESTIONS RELATING TO TESTIMONY GIVEN BY IRIS HIGHTOWER AT THE JULY 31st OVERSIGHT HEARING ON PUBLIC LAW 94-142, SENATE SUBCOMMITTEE ON THE HANDICAPPED, DIRKSEN SENATE OFFICE BUILDING

1. Most information agencies are not actively involved in getting information to people who may need it but, for reasons, do not actively seek it. To my knowledge, the following agencies should have information regarding services to handicapped individuals in the District of Columbia:

| Agency | Materials or services |
|---|---|
| *State Office for Special Education<br>Public Schools of the District of Columbia, Room 601<br>415 12th St., N.W.<br>Washington, D.C. 20004<br>(724-4018) | A Handbook for Parents and Guardians of Handicapped Children in the District of Columbia<br>(Publication can be obtained from agency - free) |
| *Children's Defense Fund<br>1520 New Hampshire Ave., N.W.<br>Washington, D.C. 20036 | Special Education: A Guide for Parents and Advocates<br>(Publication can be obtained at cost from agency) |
| *Council for Exceptional Children | (All publications available at cost from agency) |
| *De-centralized Service Centers for Handicapped and Disabled Citizens, Division of Rehabilitation Services - D.C. Government<br>(727-0955) | *FREE*<br>-Physical examination<br>-Patient evaluation<br>-Voc. Training<br>-Living expenses<br>-Interpreter Services<br>-Occupational Training<br>(Service Centers should have counselors available) |
| Center List<br>1418 Good Hope Rd., S.E.<br>4313 Dean Ave., N.E.<br>970 Wheeler Rd., S.E.<br>2818 Alabama Ave., S.E.<br>5929 East Capitol St., S.E.<br>508 Kennedy St., N.W.<br>60 Florida Ave., N.E.<br>601 Edgewood St., N.E.<br>433 Norris St., N.E. | |
| Central Office: 122 C St., N.W. | (No current information available at Central Office) |

| | |
|---|---|
| *Hospital for Sick Children<br>Michigan Ave., N.W.<br>Washington, D.C. | (Information available at agency) |

Early Intervention Program
for Serverely Handicapped Children
(ages 3 to 5)

2. The provisions of P.L. 94-142 need to be strengthened, more funds made available for training, funds for special equipment that local school systems may not be able to purchase with their budget. Please refer to recommendations presented in my testimony for additional suggestions.

3. The most crucial need of regular educators, aides and administrators who are expected to train and administer services to handicapped children not previously served by them is in-service training in the following areas:

    a. Curriculum design
    b. Etiology of specific handicapping conditions-especially those relating to children who most likely will be mainstreamed, i.e. emotional and behavioral problems, auditory or visual processing disorders, partial hearing or vision, orthopedic and speech impairments.

    c. Instructional materials, media, equipment for handicapped individuals.

4. The State Office for Special Education offered three inservice training courses called:

    a. Mainstreaming for Specific Learning Disabilities * (Summer 1979)

    b. IEP Development and Implementation - (Summer 1979)*

    c. Teaching the Severely Handicapped _(Spring 1979) *

*Little or no response from regular teachers was reported.

5. Parent training for severely handicapped children and youth in the District of Columbia is sometimes a component of existing programs. Programs that presently offer parent training are: Washington Highland Profoundly Mentally Retarded Class - Region I, DCPS, Hospital for Sick Children Intervention Program for Severely Handicapped Children, D.C. Society for Crippled Children. However, there is no centralized training program provided by the Department of Human Resources or the Public Schools for parents to assist them in understanding and carrying out plans formulated in IEP's. Usually the training consist of home visits and opportunities for the parent to observe and work with their children at the school or hospital.

Since I am not a parent of a handicapped child, I request the inclusion of my answers to the questions for parents on "Least Restrictive Environment" in the proceedings report since most of them are applicable to the teacher as well.

In my opinion:

1. P. L. 94-142 requires that a handicapped child be educated--- to as great an extent as possible --- in regular school settings with non-handicapped children of the same age or maturity group. If the child's needs are so specific that they can't be met in a regular class, then a separate area for part of the day should be considered. Placement in separate buildings should take place only when services are so specialized that they could not possibly be provided in a regular school building. I think that the requirements should be explained in detailed for each handicapping condition, leaving nothing up to the interpretation of the school administration.
2. The children in my severely and profoundly handicapped class show a willingness to interact with normal children and benefit from the gross motor play activity with normal developing children.
3. The children in my program do not spend any part of their day in a regular classroom.
4. The activities which they are included in the regular school program are assembly, field trips with preschool aged children, visits by Officer Friendly and his Dog, and eating in the cafeteria.
5. Not applicable.
6. Not applicable.
7. There are 8 children ranging from 8 to 14 years of age in my special class as opposed to approximately 30 children per teacher in the pre-k thru 6 grade classes.
8. There have been problems of non-handicapped children not accepting severely handicapped children in the school. There are many problems caused by emotionally disturbed and behavior problemed children in the regular classroom because there are not enough teachers trained to effectively handle them and 28 other children in the same class. I don't say that these children should be excluded from the regular class, rather that class size be reduced and free inservice training be provided the teachers of these children.

9. All of the planning and the majority of the individualized training of this class of severely handicapped children is provided by the teacher. Educational aides give support by carrying out group training sessions in gross and individual training in self-help skills. There are itinerate teachers who provide speech training, adaptive physical education, and aquatic training.

10. In school districts where regular teachers are not provided support and consultation on a regular basis by a specialist, this is true. For sure, there are some regular educators who are extremely creative and go beyond normal working time to create make-shift materials and equipment to provide some services to these children. In my own case, there was not enough money available for a prone board stand which would enable a non-ambulatory child in my class to maintain a standing position for periods of time to strengthen his leg muscles. My aide and I built one from existing equipment and metal cots. No one should expect all teachers to be able to do that kind of improvising. Special equipment cost a bundle and often federal funds are needed to get them.

## OVERSIGHT HEARING

Senate Sub-Committee on Handicapped

Senator Jennings Randolph, Chairman

Public Law 94-142 has had a tremendous impact on the education of the handicapped. As an administrator of special education, I have not only seen many changes occur with regard to the provision of a free appropriate education to all handicapped students, I have also been privy to a plethora of problems and adjustments that have accompanied this legislation. It is my intention in the testimony that follows to review the concept of an individual educational plan and the process by which this is accomplished and to address the concepts of the least restrictive environment and a free appropriate education for all handicapped students.

The concept of a free appropriate education for all handicapped students as provided for in P. L. 94-142 represents the only federal mandate guaranteeing appropriate education for any given group. That a free appropriate education should be provided for each duly identified handicapped student is a positive and productive mandate. The difficulty arises in determining what constitutes "appropriate", given the presenting problems of the student. As an administrator of special education, I have found that the question of "appropriateness" is often a major issue among professional staff, administration and parents. Differences in philosophical approaches to special education and service delivery models often create disagreement and confusion among team members who are responsible for determining an appropriate program. Moreover, the degree to which an IEP requires ancillary special services is an area of much concern and consternation. The responsibility for providing services under the rubric of education such as psychotherapy, occupational therapy and physical therapy have, indeed, raised fiscal and philosophical concerns and heated debate. Support services such as these have historically been considered medical rather than educational in content and prototype; therefore, they have been outside the realm of educational responsibility. The high cost of these ancillary services which now come under the jurisdiction of public schools are a source of conflict and fiscal burden to school committees across the country.

The concept of an individual educational program prescribed for a given handicapped student has led to a burgeoning of one-to-one service delivery. Such a service delivery model is, for a variety of reasons, inappropriate and unfeasible on a large scale basis in the public schools. Moreover, since it is common thinking in special education that fewer (students to teachers) is better, private school placements are often viewed by parents and team members as "more appropriate". Public schools have neither the fiscal nor staff resources to provide for programming for the handicapped in this manner, nor are there hard data to support the efficacy of one-to-one programming for mild and moderately handicapped students. While it stands to reason that in certain instances one-to-one service delivery is appropriate for the remediation of a given handicap for a given student, I do not believe that on a widespread basis such a service delivery model will serve the field of special education well. The burdens that such a model places on a school system can cause a strong negative backlash to the provision of special education services and to federal and state mandates regarding the education of the handicapped.

What constitutes a free appropriate education in a given instance is more a question of philosophical orientation and subjective judgement than data-based decision making. For certain handicapping conditions, for example, blindness, the appropriateness of Braille instruction is obvious and data based. However, the situation changes dramatically when dealing with such handicapping conditions as learning disabilities and emotional disorders. It is in these categories of disability that the issue of appropriateness of an educational program can become problematic.

As the law is written and implemented, the procedural safeguards allow for an appeal of a decision regarding the placement of a child if the proposed program is deemed inappropriate by the parent or guardian. When an appeals hearing is initiated for the review of an individual educational program, the issue to be addressed should be the appropriateness of the proposed educational intervention. In reality, the appeals hearing ends up being a review of procedural safeguards and timelines rather than the appropriateness of the proposed program. For example, a parent rejects an individual educational plan that essentially calls for a program that is appropriate. The hearing officer reviews issues such as mandated timelines and compliance with procedural safeguards and finds the Local Education Agency to be in violation of due process. The hearing officer, based on these issues, rather than appropriateness of the program, then finds in favor of the parent and the individual educational plan is not implemented. This is especially true in states where cities and towns have not adequately geared up in the past few years to meet the mandate P.L. 94-142. It is conceivable and, in fact, often occurs that an individual educational plan that is appropriate to a child's educational needs is not upheld in the appeals hearing; the result is that the student is placed in a more restrictive environment, generally a private day program. Ironically, intervening timelines, other compliance issues and concomitant political factors that interface with the appeals procedure as outlined in P.L. 94-142 can and, at times, do mitigate against the provision of a free appropriate education in the least resrictive environment.

P.L. 94-142 requires school systems to identify, diagnose and deliver services to all of their handicapped students. The individual educational plan procedure involves the assembling of a team of professionals to meet with the parents and, where appropriate, the student to design a program to meet the student's needs. As an administrator of special education, I see several problems with this procedure. Among the pressing problems in this regard are: the degree to which the process is inordinatley time-consuming, the degree to which the emphasis in on evaluation and diagnosis as opposed to treatment or remediation, and the degree to which the professional energies need to be rechanneled from paperwork to the delivery of service.

A conservative estimate of man hours from the time a referral is received through disposition of the case is approximately twenty. It should be noted that this time is not spent in delivery of direct service to the student; rather it is spent in determining a differential diagnosis which may or may not lead to differential treatment and in precipitating voluminous paperwork that accompanies the individual educational plan procedure.

I would like to examine with you the concept of differential diagnosis as it relates to special education and raise some questions and concerns regarding the efficacy of the medical model applied to education. An inordinate amount of diagnostic time is spent to determine whether a child has an auditory processing problem, a visual motor perceptual problem or to see if a child suffers from a dysfunction in one of the other basic perceptual processes. Such a model is in widespread use across the United States. However, the hard data in the field of special education suggests that attempts to differentially diagnose problems in the perceptual area and then remediate the perceptual processing problem directly are not efficacious. The theory behind P.L. 94-142 asserts that there is a need to determine a child's individual learning style before determining the special instructional methodologies and materials to be used in the teaching of that student. In what is generally called the modality model, children are described as auditory or visual learners according to relative strengths and weaknesses in their auditory and visual channels. However, the hard data with regard to the benefits of modality training have been most damning (Arter and Jenkins,1977).*

The only valid reason for investing time and personnel in differential diagnosis is if it yields a data-based differential treatment. The field of special education and more specifically, the field of learning disabilities, is embroiled in a philosophical battle regarding the instructional impact and workability of differential treatments of learning problems. To date, the research in the field seems to indicate that the most efficacious approach to the remediation of learning problems is good old-fashioned direct academic remediation. In this model it is necessary to determine for the purposes of diagnosis only what a child needs to learn rather than how the child should be taught. Once the skill deficits have been identified, a systematic and comprehensive approach to the teaching of each of those skills is the most effective manner in which to provide for a child's individual educational needs. P.L. 94-142 invests itself, in my opinion, in a wholesale commitment to a differential diagnostic

* Arter, Judith A. and Jenkins, R. Examining the Benefits and Prevalence of Modality Consideration in Special Education. Journal of Special Education, March, 1977, 11, 281 - 298.

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approach that is not in keeping with the current research and literature in the field of special education. The identification procedures outlined in P. L. 94-142 place too much emphasis on the process of evaluation and not enough emphasis on the product of education.

I submit that a non-categorical service delivery model based on mild, moderate, and severe delineations is more effective and efficient in providing for individual educational needs. Those many hours of staff time now being consumed by labeling and differential diagnosis could be better spent providing direct remedial services to students.

Individual educational programs are the written statements developed jointly by the Local Education Agency, the parent and, where relevant, the child to insure that a free public education appropriate to an individual handicapped child's needs will be provided. The individual educational plan speaks to the specific articulation of educational goals and objectives for the handicapped child including the content, implementation and evaluation of the child's educational program. However, in practice, individual educational plans do not always serve as the basic outline for a child's educational program. In my experience I have found that what is written into an individual educational plan is not necessarily what the teacher is teaching nor what the child is learning. The individual educational plan is often perceived by professional staff as a quagmire of paperwork and legal red tape - a necessary evil, as it were- that steals time from instruction.

I personally believe that the individual educational plan can be an extremely useful management tool for the teacher in overseeing a comprehensive, structured, and organized approach to providing for a child's educational needs. We are at a time in the public schools when individual educational plans are now being properly prepared. At this point, we need to turn our attention to their being properly implemented.

The concept of the least restrictive environment establishes procedures that insure to the maximum extent plausible that handicapped children will be educated with children who are not handicapped, and that the removal of handicapped children from the regular environment will occur only when the nature or severity of the handicap is such that education in regular classes with the use of supplementary aids and services cannot be satisfactorily conducted. In some instances I suspect that in carrying out the mandate of the least restrictive environment there have been students who have not received adequate special individualized attention. However, it is my opinion that the mandate for and concept of the least restrictive environment has generally resulted in a positive approach to the education of the handicapped, especially the mild and moderately handicapped. Nevertheless, regular education teachers who are now receiving students in the mainstream as a result of the provision for the least restrictive environment are experiencing both consternation and anxiety. I believe this is the result of ten years of special education literature and special educatiors promulgating the position that separate classes and "special" techniques are necessary to provide for the needs of handicapped students. Regular classroom teachers have been conditioned for years to think that special (handicapped) students could not and should not be left in the regular classroom setting. No wonder there is anxiety about the mandated mainstreaming approach now.

I am philosophically commited to the concept of the least restrictive environment and I believe that I am representative of most special educators in that commitment; however, it will take time and training for regular education personnel to accept that they have the skills and the support from their school system to adequately serve mainstreamed handicapped students.

In summarizing my concerns regarding the implementation of P.L. 94-142, I offer the following thoughts for your consideration. If our goal in special education is to provide a free appropriate education for every handicapped student, then we must invest in a wholesale commitment to establishing a hard data base for widely accepted differential remedial techniques so that we insure appropriateness and efficacy in instruction. The medical model must be replaced by a well documented educational one.

A faulty theoretical model results in ineffective teaching and in the end the education may be free, but not appropriate.

With regard to the individual educational program process, I believe that we must begin to streamline both the paperwork and the procedures now prescribed under the law. The present procedures put the emphasis on differential diagnosis rather than data based differential treatment. We as educators are over-diagnosing, over-evaluating, and in general, collecting our data with a rake and then going through it with a fine tooth comb. It would be far more appropriate to assess skill deficits and design programs of remediation around content areas rather than modality preferences or diagnostic labels. Movement toward a non-categorical approach to special education service delivery is submitted as a viable and efficient alternative that would serve to eliminate unnecessary evaluation procedures, streamline paperwork and increase the amount of time we have to spend directly serving handicapped students.

If regular education teachers are to be expected to provide for the needs of handicapped students, it is necessary, for school systems with the help of State and Federal agencies to provide meaningful inservice training programs to foster the development of improved instructional skills. As regular education teachers feel more comfortable and confident about serving handicapped students the goal of the least restrictive environment concept will be enhanced.

Respectfully Submitted by
Joyce A. Hartman
Director of Special Education
North Kingstown Public Schools
North Kingstown, Rhode Island
02852
July 31, 1979

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August 8, 1979

Senator Jennings Randolph, Chairman
Sub-Committee on the Handicapped
Room 4232
Dirksen Senate Office Building
Washington, D. C. 20510

Dear Senator Randolph:

Thank you for your kind attention to my testimony on July 31, 1979 at the Oversight hearing on Public Law 94 - 142. I hope that my testimony was helpful to you and to the members of the sub-committee as they explore the implementation of this important legislation for the education of the handicapped.

I am enclosing my written responses to the questions given to me at the July 31 hearing for your information and records. I hope they adequately address the concerns you and other members of the committee have raised.

I am pleased to be of service to you and your committee and I stand ready to assist you in any way that I can in the future. Thank you for the opportunity to provide input to improving our nation's program for the handicapped.

Sincerely,
Joyce A. Hartman
Joyce A. Hartman, Director
Special Education

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Enc:

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## RESPONSES TO QUESTIONS FROM OVERSIGHT HEARING ON P. L. 94 - 142

1. QUESTIONS: With regard to "appropriate" you mention a lack of agreement among parents, teachers and administrators. In your experience what exactly is the most frequent source of disagreement?

   RESPONSE: In my experience the most consistent source of disagreement regarding what constitutes an "appropriate" educational program is the amount of service to be provided, the frequency of the provision of that service and the qualifications of the service provider. In other words, it is generally not the service itself that is questioned in terms of appropriateness, rather the circumstances surrounding the provision of that service. Additionally, a second area of frequent disagreement is whether or not services such as physical therapy are appropriate for individual educational plans in a situation where a child has no other special educational needs.

2. QUESTIONS: In your experience what proportion of special education students have required the type of "Medical" ancillary services you are concerned about?

   RESPONSE: Only a small proportion of special education students have required ancillary medical services, perhaps no more than one to two percent of the identified handicapped population. However, in order to provide these ancillary services it has been necessary for school systems to contract with private service providers or hire on a part or full time basis their own physical therapist, occupational therapist, etc.

3. QUESTIONS: What experience have you had with negative backlash about the provision of education services:

   RESPONSE: In my experiences in both the Commonwealth of Massachusetts and the State of Rhode Island, I have witnessed school committees responding in a very negative way to the provision of special education services. This has been manifested in decisions made by school committees to not support additional staff positions that are necessary in order to provide adequate special education services such as additional speech therapists, additional school psychologists, as well as resource room teachers and other special education staff. It has also become a fairly common practice among school committee members to run for reelection on a platform of cutting special education costs and expressing negative views regarding federally mandated programs that do not provide adequate funding for implementation.

   In addition, regular education teachers have, in many instances, responded negatively to the additional burden of having mildly handicapped students in their classrooms in keeping with the least restrictive environment concept. I have addressed this issue in my testimony as well.

   Because of the high cost of special education services, it is sometimes difficult to get the backing of school administration for additional personnel and contracted services that are necessary for compliance with P. L. 94 -142. The political unpopularity of special education, I believe, is directly related to the high cost of providing these services. I believe that the negative backlash concerning the provision of special education services is a dollar issue rather than a programmatic one.

4. QUESTIONS: You make reference to "Appropriate" Individual Educational Plans being rejected by parents. In whose view is the plan appropriate? If appropriate, what do you feel was the basis of parental rejection?

RESPONSE: I have witnessed on many occasions situations in which an educational plan calling for the provision of a given service is rejected by parents based on the fact that, in the past, the school system did not live up to their responsibilities for the provision of that special education service. For example, let us suppose that a child was referred originally for an evaluation in September, 1978. The school system was unable at that point in time to address the referral within the given timelines, and instead of the thirty days from referral to disposition of the case, the actual time it took to come up with an Individual Educational Plan was six months. During that time the parents, angry with the school system either withdraw the child from school or arrange for ancillary special support services on their own. By the time parents and school personnel sit down at an Individual Educational Plan meeting to discuss an appropriate educational plan, the battle lines have been drawn. The parents now wish to maintain the child in the private placement or with private providers and the school system wishes to provide the services necessary in the least restrictive environment. In innumerable instances the basis of parental rejection of an Individual Educational Plan has been more the result of poor communications, lack of timely response from the school system, and poor relations with the school system, than philosophical disagreement with the provision of the given service.

5. QUESTIONS: Who performs the differential diagnosis? Will you outline the components of the diagnosis?

RESPONSE: The multidisiplinary team composed of speech therapist, special education teacher, regular education teacher, school psychologist, nurse, etc., performs the differential diagnosis. Depending upon the reason for referral and the presenting problem, different professional staff members might be involved in performing the differential diagnosis. For example, if a child is referred for articulation problems, a speech and language therapist would clearly be involved in assessing the child. If a child were referred for learning problems in a specific area, for example, reading, a learning disabilities specialist or remedial reading specialist would be involved in the diagnosis. The components of the diagnosis would vary according to the presenting problem. There are no hard and fast components for all diagnositc evaluations. However, a basic full diagnostic evaluation generally includes psychological testing, that is to say intelligence testing, personality testing and psycho-motor assessment as well as educational testing and a review of the developmental history and milestones of the referred student. It is my contention that while differential diagnosis may have a value administratively in terms of organization of program and personnel roles, it does not necessarily yield a differential treatment of the educational needs of a given student.

For example, a child has been evaluated and found to have a differential diagnosis of specific learning disabilities and is reading on a grade two level when he/she should in fact be at the sixth grade level. Another student, also reading on a grade two level, receives a full evaluation and is diagnosised educable mentally retarded. Regardless of the differential diagnoses in both instances the treatment of the educational problem is the same. Both students will need to be taught basic phonetic skills at the same level with the same skill content areas needing to be addressed.

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6. QUESTIONS: What do you understand the identification "Procedures" outlined in P. L. 94 - 142 to be?

RESPONSE: It's my understanding that the identification procedures outlined in P. L. 94 - 142 are divided into two basic evaluation prototypes. Students are referred for either full or partial evaluations depending upon the nature and severity of the presenting problem. If a full evaluation is recommended the procedures to be included are: full psychological testing, full academic battery, sociological and/or developmental assessment and history and a medical examination. In addition, it is my understanding that as a result of finding in any of these basic areas of evaluation, other ancillary evaluations might be required. For example, if the child fails basic auditory screening, it may be necessary for that child to be seen by an audiologist or perhaps even a physician who specializes in ear, nose and throat disorders.

The second type of identification procedure is the partial evaluation. When a child is referred for this type of evaluation any of the components of a full evaluation might be recommended. Therefore, a child might receive psychological testing and educational testing, but not a medical evaluation nor developmental history. Generally, the partial evaluation procedures are used for those students who will not require full time services in special education because they are mildly handicapped as opposed to moderately or severly handicapped.

## TESTIMONY BEFORE THE SENATE SUBCOMMITTEE ON THE HANDICAPPED

Norma K. Bork, Ph.D.
July 31, 1979
Washington, D.C.

Gentlemen, it is a pleasure and a privilege for me to be with you today to report on some of the problmes facing the implementation of P.L. 94-142. I am speaking to you from an experience as a parent of a learning-disabled child, as an educator, as a speech and language specialist, and as a child advocate.

My name is Norma Bork, and for 25 years I have lived with, worked with, and cried with handicapped individuals and with those who love and serve them. For twenty years I have fought for the principles embodied in this law. Its passage was an important milestone in my professional and personal life.

Currently I serve as Speech-Language-Hearing Consultant for the North Bay Regional Center, a state agency charged with diagnosis, life planning, advocacy and oversight services to the neurologically handicapped in three Northern California counties. Through other activities I am also familiar with special education problems in four other California counties.

Today I would like to comment specifically about some of the problems of the Individual Education Plan as it is used in my area.

The law was warmly welcomed and hopefully followed by informed parents of the handicapped and by many other interested persons. However, many school administrators did not welcome it for a variety of reasons, and the grudging partial compliance, delaying tactics and covert resistance of some key persons continues to be the most serious barrier to good faith implementation.

Among the circumventing tactics I have personally witnessed are the "bullying" of parents into signing an agreement they did not want to sign by implying retribution to their child for refusal, using deliberately over technical vocabulary to alarm and confuse parents, giving conflicting information as to hearing times and dates, attempting to discredit the reports and/or reputations of other professionals brought to the hearing by parents, and threatening to close an entire program if objections or challenges are raised.

These examples are far from exhaustive. As partial preparation for my testimony today I released a story to 45 newspapers and radio stations asking for personal experiences and comments relating to P.L. 94-142. I spoke to over 30 individuals. The largest number of complaints about the law involved the I.E.P.

It seems very clear that some clarification is needed regarding the funtion of this critical part of the law if the intent is to be realized.

To aid that process I would like to suggest three major areas of concern with the I.E.P. Much confusion and anger could be avoided if:

1. The role of the I.E.P. were more specifically defined. If it is to be a contract, as most parents I talk with believe it to be, the person or persons responsible for fulfilling the contract must be designated more clearly.

2. Important clarifying policy is needed regarding the role of each participant. Each person's authority in decision making at the I.E.P. meeting must be known. Now there is wide variation in the make-up of the meeting personnel with resulting inequities and dissatisfaction among all concerned.

3. Most importantly, a ruling must be made as to whether the I.E.P. should faithfully reflect the special needs of the child or the ability of the school to provide special services. This is a particularly difficult question and is one which has afforded school administrators with widespread abusive power to circumvent the intent of the law.

Gentlemen, we are not discouraged with the law, but we want it to be all that it was intended to be. Thank you for your interest and for the opportunity to bring these concerns before you.

Senator STAFFORD. And, thanking you again, I will then now ask the next panel if it will come forward to the witness table.

With apologies for the pronunciation, Dr. Jose Pagan, Mr. Hector Alvarez, and Mr. Harry Ezratty, all of Puerto Rico.

The Chair will invite the members of the panel to choose your own order of precedence in presentations to the committee.

## STATEMENTS OF JOSE PAGAN, HATO REY, PUERTO RICO; HECTOR ALVAREZ, MANATI, PUERTO RICO; AND HARRY EZRATTY, SAN JUAN, PUERTO RICO

Dr. PAGAN. Senator Stafford, members of the Subcommittee on the Handicapped, I am Jose D. Pagan, a surgeon practicing in San Juan, Puerto Rico, father of six children. One of them, Ian, is 16 years old and mentally handicapped. At the present time Ian is attending a special education public school of the department of education, the Victor Pares Collazo School, in Rio Peidras, a neighborhood of San Juan. This school has an enrollment of 165 students, ages 5 to 16, with a faculty of 21 teachers and 15 teacher assistants. The teachers have BA degrees in education with courses in special education.

There are only six other public schools in the island similar to the one my son is attending, and they are mostly concentrated in the metropolitan area of San Juan.

As a father interested in the well-being of all children, my concern is for the limited services and in many cases absence of services to the handicapped children in Puerto Rico. Outside of the metropolitan area of San Juan, there are hardly any services. For example, in the city of Mayaguez, the department of education provides some services but they are very limited and far from what Public Law 94-142 and section 504 promised to the handicapped: To provide free appropriate education to all the handicapped children and appropriate services for children enrolled in special education programs.

Parents from the Mayaguez area complain that they have continuously, often constantly, requested additional services for their children and every time the answer from the department of education is that no funds are available. In San Juan we are faced with the same situation: unavailability of funds.

I would like to point out that special education services for youngsters beyond 16 are practically nil in Puerto Rico. There are no adequate facilities available, public or private, in Puerto Rico for my son next year.

It is also very discouraging to realize from an evaluation by a private psychologist, that Ian could have profited from adequate speech therapy training, but the limited 1 hour a week which he received has been far from adequate. The psychologist also confirmed the fact that my son could have benefited from a less restrictive environment. Are not these the very same things that Public Law 94-142 and section 504 promise the handicapped? Adequate services, adequate training, adequate education? But the fact is that these are very far from what they should be.

Yet I want all of you to know that I am considered a fortunate parent. My son is in the minority of the handicapped minority which is receiving free public education at a special education school. Yet my deep concern is twofold: First, my child and those like him who are not receiving the adequate services needed and promised by Congress; and, second, the many handicapped children in San Juan, outside of San Juan and all over Puerto Rico who are not receiving any special education at all, who are not being trained to become useful members of society and who through no fault of their own are doomed to be charges to their families and the communities.

The state of special education in Puerto Rico is chaotic. We have not been able to obtain reliable statistics from the department of education as to the number of handicapped children in Puerto Rico and the services being rendered. The figures run up to 77,000 registered handicapped, 21,000 of which have been evaluated and identified as handicapped, 15,500 of this 21,000 are receiving some kind of service and 5,500 are not receiving any service at all and are on waiting lists. And what about the rest? Those 56,000 who are not even being considered?

The frustration for the parents and concerned citizens is even greater when one reads in the newspaper that the Secretary of Education is requesting the Federal Office of Education to allow his department to divert some of the $80 million it receives annually to help economically disadvantaged children for other purposes, such as school rehabilitation and administrative changes.

Under these circumstances, who is accountable to the handicapped children and their families in Puerto Rico? Is it HEW, who has the responsibilities to approve and evaluate the programs and performance of the department of education? Is it the department of education in Puerto Rico? And are they complying or failing to give handicapped children the same equality of education as other children?

In trying to get a response to this question I have no way to turn and I feel trapped. While not being a member of these disadvantaged minorities—the handicapped—I suffer the consequences of the indifference and lack of response to their needs by the same agencies to which the law gives that responsibility.

Our hopes are with this committee.

Thank you very much.

Senator STAFFORD. Thank you very much, Doctor, and, as we said at the outset, we will allow you to decide who speaks next for the panel.

Mr. ALVAREZ. My name is Hector Luis Alvarez. I am a resident of San Juan, P.R. My daughter, Lisandra Alvarez, is 5 years old and she is a handicapped girl. When she was 9 months old our private doctor recommended us to take her to the Neurological Institute in New York for a neurological consultation. It was necessary to go to New York because there were no facilities available in Puerto Rico at that time. We incurred expenses of over $2,000. As a result of that evaluation, it was determined that she had neurological deficiencies due to brain damage, also facial palsy in her left side, and cross eyes.

When she was 1½ years old, I went to the department of education in San Juan, P.R., for help. We were referred to the special education department, and they told us that our daughter was too young to be helped and that there were no services or facilities available for her at that time.

We all know that the earlier a child is reached the easier it is to assist with the problems. Yet we were told that there were no public services for our daughter and that she was too young to be helped.

We were not happy with the answer given to us and we decided to look for a private school which could offer us the special educational services that our daughter needed. So we enrolled our daughter in a private school, the Nilmar School, which costs us $125 a month. Here she receives physiotherapy to aid her with her coordination problems. She gets speech therapy and other special education and social therapy.

For the type of special education our daughter is now receiving, there is nothing presently available in public education in Puerto Rico. We are, therefore, forced to continue to maintain her in a private school because of the lack of adequate public education.

Our experience is that we as parents were never aware of special education facilities in Puerto Rico. Only by word of mouth, from one family who had special educational problems to another, were we able to learn of the special education department in Puerto Rico.

In truth, such services are practically nonexistent. In fact, it is the policy of the department of education to provide the least amount of services.

Yet despite this failure and many others, in a letter dated March 9, 1979, sent to the Acting Regional Director of DHEW, addressed to Carlos Chardon, Secretary of education for Puerto Rico, the head of the special education department quoted in this report as saying:

> There is no reason or educational justification for seven schools providing only special education.

These seven schools are the only special schools in all of Puerto Rico, and they exist only for deaf, blind and severely mentally handicapped. There is, as you may imagine, a long waiting list of handicapped children waiting for services.

According to the law, Public Law 94-142, no handicapped child will be receiving special education and related services without the prior development of an individualized educational plan. Unfortunately, this is not true in Puerto Rico.

In fact, I remember a discussion on this matter between a lawyer who was deposing and an official from the special education department during the hearings held by the department of education on the approval of the State plan for Puerto Rico. The department of education official took the position of saying that the IEP's are to be developed after the child is placed in a program; he also said that this was a violation, but he answered that the department does not have the resources to comply with the prescribed procedure.

That point was also found in the DHEW report, and I quote:

> Our review revealed the school system's failure to establish standards and procedures for the evaluation and placement of students, who because of handicap need special education or related services, which is a violation of 45 CFR 84.35(B)(1).

Being this the reality, it is reasonable to conclude that an individual education program for the majority of the handicapped children within the Commonwealth jurisdiction have not been prepared.

This is not the first complaint on this point. In February-March 1978, over 1 year ago, DHEW complained also of this matter, the Department of Education was supposed to rectify these deficiencies by May 15, 1978, yet as of March 1979, the department of education of Puerto Rico was still in violation.

A basic postulate under Public Law 94-142 is that every handicapped child has the right to be provided a special education, as well as non-educational-related services in order to make that education feasible. By September 1, 1978, all handicapped children between the ages of 5 and 18 were to be receiving the free appropriate public education guaranteed by the Federal law.

The following statistics give a somewhat clear idea of how far the Puerto Rican handicapped children are from receiving these services. During 1974 the department of education for the Commonwealth conducted a handicapped children registration. Registration centers were established along the island and the parents were supposed to take their handicapped children to these centers. This process was not conducted house to house.

By the end of the school year 1977-78, that register was showing a total of 77,000 children registered as handicapped. Out of that total, only 21,000 had been evaluated and identified as handicapped by the department. Only 15,500, out of that 21,000, were receiving special education services. A total of 56,000 had not been even evaluated; 61,500 were not receiving the special education and related services guaranteed by the Federal statute.

For reasons arising from these official statistics, a significant number of parents, like myself, have been forced to place their handicapped children in private settings, which are not available in a significant number.

Additional statistics should be analyzed to prove that no free appropriate public education is being provided to handicapped children in Puerto Rico. According to the 1979 special education State plan, the department of education conducted a study to determine the preparation of teachers dealing with handicapped children.

By the time of the study there were only 633 special education teachers, an average of 121 children per teacher, if we consider the 77,000 children.

Another study dealing with regular teachers having handicapped children in their classrooms revealed that 92 percent—428 out of 463—did not have any credit approved in special education.

It should also be stated that handicapped children placed in private institutions by the Government are minimal.

The picture in Puerto Rico is one of noncompliance with the Federal guidelines for special education. Not only is there noncompliance at present, but it has been part of the history of special education in Puerto Rico that the department of education's failure has been constant and irremediable.

It is not my desire to have the funds for special education to Puerto Rico be cut off. My recommendation is that Federal authorities should keep all these facts in mind for the development of a more efficient monitoring system for the adequate implementation of Public Law 94-142 in Puerto Rico.

Thank you.

Senator **Stafford**. Thank you very much, Mr. Alvarez. Could you tell the subcommittee, if you know, how many children of school age there are in Puerto Rico? Altogether. Or if one of your colleagues happens to know.

If this will cause any delay, we can have that information submitted for the record.

I would be interested to know what the current population of Puerto Rico is.

Dr. **Pagan**. 3 million.

Senator **Stafford**. And what the total number of children, both those who need special education and those who don't.

Mr. **Alvarez**. Well, the total population is 3 million.

Senator **Stafford**. That's everybody, though.

Mr. **Alvarez**. That's everybody.

Senator **Stafford**. I am talking about the total census of youngsters of school age in Puerto Rico.

Mr. **Alvarez**. We could find that out.

Senator **Stafford** Thanks. I won't delay longer, then. We will ask Mr. Ezratty to proceed.

Mr. **Ezratty**. Good morning, Senator Stafford. My name is Harry Ezratty, I practice law in San Juan, P.R. and I come to you as a person who has been very deeply involved with not only my own daughter, who is 17 years old and has a learning disability, but with working with other parents in San Juan, P.R. To give you a little background with respect to what I have done, very early my wife and I learned of the benefits which were available to learning disabled and handicapped children, and we began to form groups and other families learned about the groups and we ran seminars teaching them about the law and their availability and what they had to do in order to derive the benefits from it.

I can say that from the very, very outset most parents—in fact, I would say 99 percent of the parents—had absolutely no concept of what the statute was about, what benefits were available to them, or anything else of that nature, basically because there was very little publicity about it either in the schools or in public media. We found that almost all parents, regardless of their economic or social condition, had absolutely no concept of the availability of this 94-142.

Myself, I filed on behalf of my daughter for benefits, and at the time my daughter was examined by the department of education and was given a report at the termination of the examination, which was delayed by 6 months. At the time that the report was given to us, we were told that my daughter would be available to go to a school in San Juan, P.R., where she would receive specialized education. And I asked specifically what type of specialized education would be available. The department of education gave me no answer. As a result, we had to send our daughter away to a private school in the States. And I might add, Senator, that my daughter is now a resident of your State—she lives in Williston, Vt., and she goes to the Pine Ridge School, which you may or may not know, which is right outside of Burlington, which is a specialized school and which deals with adolescents who have learning disabilities.

Unfortunately, I am not here with a personal grievance. The grievance is one of all of the parents who are in the same position. There are programs, as you have been advised by my colleagues—but these programs are aimed at assisting the dramatically handicapped, such as the deaf, the blind, the mute. The program does not begin to assist other Puerto Rican children who have problems with coordination, who have problems with eye coordination, who have neurological problems, who have speech problems.

I would say to this panel that I recently received a letter from the department of education, at which time they told me a school would now be available to my daughter. In the letter, my daughter, who is now in her last year of high school—in the letter, the schools available for my daughter went no further than past sixth grade. That is all that is available supposedly for learning disabled children in Puerto Rico, and I am not so sure that those programs are available with such particularity that they could assist a child.

I want to say one thing else. For those of us who can muster the money to send our children to private schools on the continent, we are fortunate. But there are very many Puerto Ricans who are unable to speak English. Even if the family does have the money, it is difficult to send a young child to a special school on the continent, take them away from the family, and put them into an environment which is a difficult environment to begin with—it's not family—and then put them into an environment where they are not even speaking their primary language. As a result, many children are forced to go to private schools which may not necessarily give them all of the help and assistance that they need, but it's for them the best that they can do.

I would also like to inform this committee of the fact that many parents, upon learning of their benefits, went to the department of education and, for some reason or other, different ploys, such as was presented by one of the previous speakers in the other panel—did not file, or file, let it drop—didn't go all the way down the process, the process of trying to get their child qualified for the proper benefits.

The department of education, in 1978, was examined by the Department of Health, Education, and Welfare—of 30 areas which they examined, and they included hearing examiners, the facilities to create appropriate education, the facilities to create proper programs—they were deficient in 22 of these areas. And they were told at that time to clean up the deficiencies by May 15, 1978. As of March of 1979 a significant number of those areas were still open and still not rectified.

According to the records that we have, there is only $488,000 applied to learning disabled children, to the whole program in all of Puerto Rico, learning disabled children. Now, we are not talking about blind or deaf or mute, which has a larger subsidy. But there is only $488,000—that would include dyslexia and all of the other problems which come under the learning disabled area.

There is no question in my mind that the program is not being adequately run. I think the department of education has got lots of problems, many of which are not of their own making.

But to see a number like $488,000 for a learning disabled program to me indicates that it is nothing, there is absolutely nothing being done in that area.

I would say further that the director of the special education program of Puerto Rico suggested to one of the parents, with whom I am familiar and whom I have tried to assist, a particular public school as a possible source for her learning disabled teenager. The parent who had seen that school advised this very director that she had visited the school 2 weeks prior and learned from the principal that the program for junior high and high school students was abandoned a year before. The concentration was with 7- and 8-year-olds, and the program went up only to the sixth grade. This was about 2 or 3 years ago.

I think there is something dreadfully wrong when the director of the special education program doesn't even know what programs are available and doesn't even know whether those schools are directing the special education program.

The time is very precious, as has been said by both of my colleagues before me; the earlier we get the children, the more rapidly we can work with them, the better the results. We have children waiting to get into these schools; we have children who don't go to school at all, because their disabilities will not permit them to sit in classrooms with other children, and there is no schoolroom available or no facility available for them, and the children just don't go to school; the parents keep them home.

We can't afford to delay. We must give these children the education they need and are entitled to. I think the first step is to make sure that the Department of Education of Puerto Rico complies with the guidelines as set forth in the statute.

I thank you for the time and giving me the opportunity to present this before you.

Senator **Stafford**. Thank you, Mr. Ezratty, and all members of the panel.

As we said earlier, there will be some questions in writing. If you would allow the committee staff to contact you before you leave, so that we can give those that are prepared to you, we would appreciate it.

We appreciate very much your coming up here from Puerto Rico. I might say this Senator has, at another time of the year, visited Puerto Rico more than once and enjoyed that a great deal.

Thank you very much, gentlemen.

[The prepared statements of Dr. Pagan, Mr. Alvarez, Mr. Soto and additional material supplied for the record follows:]

MR. CHAIRMAN

MEMBERS OF THE SUB-COMMITTEE ON THE HANDICAPPED

I AM JOSE D. PAGAN, A SURGEON PRACTICING IN SAN JUAN, PUERTO RICO, FATHER OF SIX CHILDREN, ONE OF THEM, IAN, IS SIXTEEN YEARS OLD AND MENTALLY HANDICAPPED.

AT THE PRESENT TIME IAN IS ATTENDING A SPECIAL EDUCATION PUBLIC SCHOOL OF THE DEPARTMENT OF EDUCATION (VICTOR PARES COLIAZO SCHOOL) IN RIO PEIDRAS, A NEIGHBORHOOD OF SAN JUAN.

THIS SCHOOL HAS AN ENROLLMENT OF 165 STUDENTS, AGES 5 to 16, WITH A FACULTY OF TWENTY-ONE TEACHERS AND FIFTEEN TEACHER ASSISTANTS. THE TEACHERS HAVE BA DEGREES IN EDUCATION WITH COURSES IN SPECIAL EDUCATION.

THERE ARE ONLY SIX OTHER PUBLIC SCHOOLS IN THE ISLAND SIMILAR TO THE ONE MY SON IS ATTENDING AND THEY ARE MOSTLY CONCENTRATED IN THE METROPOLITAN AREA OF SAN JUAN.

AS A FATHER, INTERESTED IN THE WELL BEING OF CHILDREN, MY CONCERN IS FOR THE LIMITED SERVICES AND IN MANY CASES ABSENCE OF SERVICES TO THE HANDICAPPED CHILDREN IN PUERTO RICO. OUTSIDE OF THE METROPOLITAN AREA OF SAN JUAN, THERE ARE HARDLY ANY SERVICES.

FOR EXAMPLE, IN THE CITY OF MAYAGUEZ, THE DEPARTMENT OF EDUCATION PROVIDES SOME SERVICES BUT THEY ARE VERY LIMITED AND FAR FROM WHAT PUBLIC LAW 94-142 AND SECTION 504 PROMISED TO THE HANDICAPPED: "TO PROVIDE FREE APPROPRIATE EDUCATION TO ALL THE HANDICAPPED CHILDREN AND APPROPRIATE SERVICES FOR CHILDREN ENROLLED IN SPECIAL EDUCATION PROGRAMS."

PARENTS FROM THE MAYAGUEZ AREA COMPLAIN THAT THEY HAVE CONTINUOUSLY, OFTEN CONSTANTLY, REQUESTED ADDITIONAL SERVICES FOR THEIR CHILDREN AND EVERY TIME THE ANSWER FROM THE DEPARTMENT OF EDUCATION IS THAT NO FUNDS ARE AVAILABLE. IN SAN JUAN WE ARE-FACED WITH THE SAME SITUATION: UNAVAILABILITY OF FUNDS.

I WOULD LIKE TO POINT OUT THAT SPECIAL EDUCATION SERVICES FOR YOUNGSTERS BEYOND SIXTEEN ARE PRACTICALLY NIL. THERE ARE NO ADEQUATE FACILITIES AVAILABLE PUBLIC OR PRIVATE IN PUERTO RICO FOR MY SON NEXT YEAR.

IT IS ALSO VERY DISCOURAGING TO REALIZE FROM AN EVALUATION BY A PRIVATE PSYCOLOGIST, THAT IAN COULD HAVE PROFITED FROM ADEQUATE THERAPY TRAINING, BUT THE LIMITED ONE HOUR A WEEK WHICH HE RECEIVED IS FAR FROM ADEQUATE. THE PSYCOLOGIST ALSO CONFIRMED THE FACT THAT HE COULD HAVE BENEFITED FROM A LESS RESTRICTIVE ENVIRONMENT. ARE NOT THESE THE VERY SAME THINGS THAT PUBLIC LAW 94-142 AND SECTION 504 PROMISES THE HANDICAPPED? ADEQUATE SERVICES, ADEQUATE TRAINING, ADEQUATE EDUCATION? BUT THE FACT IS THAT THESE ARE VERY FAR FROM WHAT THEY SHOULD BE.

YET I WANT ALL OF YOU TO KNOW THAT I AM CONSIDERED A "FORTUNATE" PARENT. MY SON IS IN THE MINORITY OF THE HANDICAPPED MINORITY WHICH IS RECEIVING FREE PUBLIC EDUCATION AT A SPECIAL EDUCATION SCHOOL. YET MY DEEP CONCERN IS TWOFOLD: FIRST MY CHILD AND THOSE LIKE HIM WHO ARE NOT RECEIVING THE ADEQUATE SERVICES NEEDED AND PROMISED BY CONGRESS, AND SECOND THE MANY HANDICAPPED CHILDREN IN SAN JUAN, OUTSIDE OF SAN JUAN AND ALL OVER PUERTO RICO WHICH ARE NOT RECEIVING ANY SPECIAL EDUCATION AT ALL, WHO ARE NOT BEING TRAINED TO BECOME USEFUL MEMBERS OF SOCIETY AND WHO THROUGH NO FAULT OF THEIR OWN ARE DOOMED TO BE CHARGES TO THEIR FAMILIES AND THE COMMUNITIES.

THE STATE OF SPECIAL EDUCATION IN PUERTO RICO IS CHAOTIC. WE HAVE NOT BEEN ABLE TO OBTAIN RELIABLE STATISTICS FROM THE DEPARTMENT OF EDUCATION AS TO THE NUMBER OF

HANDICAPPED CHILDREN IN PUERTO RICO AND THE SERVICES BEING RENDERED, THE FIGURES RUN UP TO 77,000 REGISTERED HANDICAPPED, 21,000 OF WHICH HAVE BEEN EVALUATED AND IDENTIFIED AS HANDICAPPED, 15,500 OF THIS 21,000 ARE RECEIVING SOME KIND OF SERVICE AND 5,500 ARE NOT RECEIVING ANY SERVICE AT ALL AND ARE ON WAITING LISTS. AND WHAT ABOUT THE REST? THOSE 56,000 WHO ARE NOT EVEN BEING CONSIDERED?

THE FRUSTRATION FOR THE PARENTS AND CONCERNED CITIZENS IS EVEN GREATER WHEN ONE READS IN THE NEWSPAPER THAT THE SECRETARY OF EDUCATION IS REQUESTING THE FEDERAL OFFICE OF EDUCATION TO ALLOW HIS DEPARTMENT TO DIVERT SOME OF THE EIGHTY MILLIONS IT RECEIVES ANNUALLY TO HELP ECONOMICALLY DISADVANTAGED CHILDREN FOR OTHER PURPOSES SUCH AS SCHOOL REHABILITATION AND ADMINISTRATIVE CHANGES (ENCLOSED CLIPPING FROM THE SAN JUAN STAR, SUNDAY JULY 15, 1979).

UNDER THESE CIRCUMSTANCES, WHO IS ACCOUNTABLE TO THE HANDICAPPED CHILDREN AND THEIR FAMILIES IN PUERTO RICO? IS IT HEW, WHO HAS THE RESPONSIBILITIES TO APPROVE AND EVALUATE THE PROGRAMS AND PERFORMANCE OF THE DEPARTMENT OF EDUCATION? IS IT THE DEPARTMENT OF EDUCATION IN PUERTO RICO? AND ARE THEY COMPLYING OR FAILING TO GIVE HANDICAPPED CHILDREN THE SAME QUALITY OF EDUCATION AS OTHER CHILDREN?

IN TRYING TO GET A RESPONSE TO THIS QUESTION I HAVE NO WAY TO TURN AND I FEEL TRAPPED. WHILE NOT BEING A MEMBER OF THESE DISADVANTAGED MINORITIES (THE HANDICAPPED), I SUFFER THE CONSEQUENCES OF THE INDIFFERENCE AND LACK OF RESPONSE TO THEIR NEEDS BY THE SAME AGENCIES TO WHICH THE LAW GIVES THAT RESPONSIBILITY.

OUR HOPES ARE WITH THIS COMMITTEE.

THANK YOU.

JOSE D. PAGAN

# Probe eyed on possible misuse of P. R. school funds

By HARRY TURNER
STAR Washington Correspondent

WASHINGTON — A spokesman for the National Education Association says he hopes to get a congressional investigation started within three months into possible misuse of federal funds in Puerto Rico's public school system.

The spokesman, Stanley Mcfarland, NEA's director of government relations, said the investigation will be sought from Rep. Carl Perkins, D-Ky., chairman of the Education and Labor Committee.

The investigation would be a follow-up to an NEA study released last January which accused the Romero Administration of political favortism in the way it runs the island schools.

In an interview, 'McFarland said NEA wants to find out "how federal education money is being used in Puerto Rico and whether federal regulations are being followed."

After the NEA study was released last January, both Education Secretary Carlos Chardon and Resident Commissioner Baltasar Corrada del Rio charged that NEA had allowed itself to be used by the Popular Democratic Party-dominated Teachers Association of Puerto Rico.

NEA, which had sent its own investigators to the island to study the alleged politicking in the school system, the way federally funded programs are carried out and the physical condition of public schools, denied the charge.

Subsequently congressman Perkins and Corrada asked the General Accounting Office, the investigative arm of Congress, to make its own limited study of the Puerto Rican school system. GAO has not yet finished its report.

However, NEA is apparently determined to persevere with its opposition to some of the policies and programs instituted by secretary Chardon.

Earlier this month NEA filed notice with the U.S. Office of Education that it opposed many aspects of a waiver that Chardon has been seeking from the federal government.

Chardon has asked the Office of Education to allow his department to divert some of the $80 million it receives annually to help economically disadvantaged children for other purposes such as school rehabilitation and administrative changes.

One of Chardon's proposals was to create a number of district managers around the island to help administer the public school system.

However, NEA told the Office of Education that "we are unequivocally opposed to the expenditure of any of Puerto Rico's Title 1 funds (for disadvantaged children) to pay for district managers." The Puerto Rico Teachers Association is also opposed to the proposal.

The NEA said that the creation of district managers would only create "another administrative layer" and not benefit the students.

The organization also said it opposes Chardon's plan to enlarge a training program with the Title I funds because "the secretary uses training opportunities as patronage. We believe training and inservice opportunities should be open to all teachers regardless of political party."

NEA added, "The current (and proposed) training programs are disruptive and lower the standard of education for children."

It said further that if Chardon expects to use the Title I funds to remodel those Puerto Rican schools made partially of asbestos, he should be made to spell out his remodeling plans in detail.

THE SAN JUAN STAR—Sunday, July 15, 1979.

from El Mundo

Lunes 6 de mayo de 1978

# Instrucción Amplía su Ayuda A Niños, Jóvenes Impedidos

El Departamento de Instrucción Pública anunció que se ampliaron los servicios a los niños y jóvenes de edad escolar con impedimentos físicos y mentales para atender unos 3,000 adicionales para un gran total de 13,406.

El total de niños y jóvenes impedidos en toda la Isla es de 77,196. La mayor parte de ellos, 65,000, recibe atención de otras agencias públicas y privadas.

El reclutamiento durante los últimos meses de 150 maestros especialmente adiestrados para atender este tipo de estudiante, ha permitido la ampliación según informó en un comunicado emitido ayer Idalia Borges, secretaria auxiliar del Programa Regular de Instrucción.

La División de Educación Especial del Departamento de Instrucción Pública, que cuenta con 819 maestros especializados, está brindando servicios a niños y jóvenes entre las edades de 3 y 21 años. Estos son listados o que tienen impedimentos como retardación mental, problemas de aprendizaje, disturbios emocionales y problemas de salud, de visión, habla y lenguaje o auditivos.

Esta población estudiantil incluye niños con más de un impedimento como un grupo de 32 niños sordo-ciegos que reciben servicios educativos en escuelas especiales o en sus respectivos hogares.

Los servicios que el DIP ofrece a estos niños y jóvenes impedidos no incluye el de residencia aclaró Borges. Las proyecciones del Programa, informó la Secretaria Auxiliar, son para extender el servicio a 500 estudiantes más durante el próximo curso escolar. Esto incluirá a otros 15 niños sordo-ciegos que fueron identificados durante un registro de niños impedidos que se llevó a cabo el año pasado.

La División de Educación Especial del DIP, explicó Borges, funciona con un presupuesto de $9 millones en fondos estatales y federales. Sus esfuerzos van dirigidos a lograr que los niños impedidos desarrollen destrezas que les permitan ser ciudadanos útiles.

En el año escolar pasado, añadió la funcionaria, el Programa colocó en empleos diversos a 132 estudiantes que había adiestrado. Además, se logró preparar a 3,312 niños con impedimentos leves, 49 con problemas de sordera y 54 con disturbios emocionales para que pudieran proseguir estudios en salones de clases regulares.

El mayor esfuerzo del Programa, indicó Borges, está concentrado en el servicio educativo directo a través de los maestros especializados en cada área de impedimento. Esta labor, añadió, se lleva a cabo en salones de clases especiales y en los hogares, a donde van los maestros itinerantes.

En este año, se espera aumentar la efectividad del servicio mediante la preparación de un programa educativo para cada niño. El programa se hará al momento que el niño comienza a recibir servicios. Se revisará anualmente para determinar los logros y las necesidades que presenta el estudiante, de acuerdo a sus limitaciones.

PEI

Pero el esfuerzo educativo no envuelve sólo maestros especializados, apuntó la Secretaria Auxiliar. Hay también maestros evaluadores y coordinadores, ayudantes de maestro, maestros de educación física y personal para brindar transportación y otros servicios a los estudiantes impedidos.

El otro aspecto de la labor que realiza la División Especial incluye proveer a sus estudiantes servicios de audiólogos, terapistas del habla, sicólogos, terapistas ocupacionales y trabajadores sociales. Los estudiantes de este Programa también reciben materiales educativos especiales, equipo y servicio de comedores escolares.

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From San Juan Star

# Aid sought for handicapped

The Education Department announced Thursday that it has thousands of jobs available but warned that the pay is not in dollars and cents.

The department is recruiting volunteers to help expand education services to thousands of handicapped children who are not yet covered by a special program.

Gloria Bermudez, who heads the Education for the Handicapped program, reported that 14,000 students are now covered but that another 5,500 are still waiting for services that cannot be offered due to personnel shortages.

The program covers children and youths who are deaf, mute, blind or who have speech impediments. It also serves students who are maimed, mentally retarded or who have severe learning disabilities.

The volunteers could help specially trained personnel in supervising the children's group activities, helping out with their studies or with exercises to develop motor coordination. They could also help with arts and crafts classes and with recreational activities necessary for the social development of these children.

Bermudez said that any one interested in helping out can learn more about the program by asking for a copy of the state plan for the education of the handicapped at any of the school superintendents' offices, any of the department's regional offices or at the main office at the Education Department building in Tres Monjitas Urbanization in Hato Rey. Additional information can also be obtained by calling 764-5050 or 754-0994.

# Vocational training for retarded adults is urged

By HAROLD J. LIDIN
Of The STAR Staff

Parents of retarded adults are demanding increased facilities for the vocational training of their dependents, alleging the existing programs are grossly inadequate.

The complaints have quickened in the wake of hearings held last week that revealed federal funds for aiding retarded children will become available in greatly increased amounts beginning next year.

Angela Christina Diaz, president of the Council of Friends and Parents of Retarded Youth, expressed hope that Commonwealth funds "liberated" by the gush of federal monies can now be earmarked for training the older retarded. The federal funds, projected to top $40 million annually in the early 1980's, are for training the handicapped from the ages of three to 21. This Federal program is to be expedited by a Commonwealth bill now under study in the Legislature.

The local measure, House Bill 185, defines Commonwealth policy and spells out government responsibilities regarding retarded children.

Easter Pedraza, an adviser to the House Education Committee, noted in an interview that other programs are available for training the retarded over 21 years of age. The consultant, after making inquiries, stated that facilities are available for training the adult retarded at the Rio Piedras Medical Center, in Santurce and in Guaynabo.

Mrs. Diaz, speaking of the medical center facility, said it handles from "20 to 30" pupils, of which only a fraction are retarded. The balance have physical handicaps, she said.

The Santurce facility, apparently the municipal multi-service center in Stop 25, trains the blind in vocational and clerical skills.

Parents take sharp issue with the practice of using the chronological age as the "determining factor" in drafting laws providing aid to the retarded. "Individual achievement and actual necessity should be used," rather than age, in legislation for the retarded, Mrs. Diaz wrote in testimony prepared for the House committee considering Bill 185.

Existing programs for the adult retarded operate under the Social Services Department, while training programs for minors are an Education Department responsibility. Mrs. Diaz has urged that vocational education programs for adult retarded also operate under the Education Department.

[illegible]
May 16, [illegible]

THE SAN JUAN STAR—Monday, February

# Parents of deaf-blind claim funds muffed

By JANE B. BAIRD
of the STAR Staff

Three years ago, the parents of 27 deaf-blind children transferred the only island program for such children to the Education Department in order to provide job security for the teachers.

Since then, they charge, the program has deteriorated, although the funding has increased, because the department is mismanaging $150,000 in federal and commonwealth funds earmarked for the 27 children in the program.

In addition, they have found the department does not provide job security for special education teachers.

The program was organized in 1972 by University of Puerto Rico Professor Jose Santana with about $15,000 in federal money. He searched hospital records to find children who had lost both sight and hearing because they were in the womb when their mothers contracted German measles.

He managed the program until 1975, when the parents transferred it to the Education Department because the teachers were asking for job security, parent Milagros Garriga said in an interview.

The parents found, however, that the department provides no job security for special education teachers, who must be rehired each year, Mrs. Garriga said. The program's teacher turnover, therefore, has been as high or higher than before, she charged.

Department officials acknowledged that special education teachers do not receive job security.

Department advisor Jorge Serra said more than three-fourths of the special education funding is federal. Since the commonwealth does not control the funds and has no guarantee of how much money it will get each year, it cannot guarantee job permanence to the teachers.

But what is more important for the parents is the alleged mismanagement of funds by the government.

In 1977, the department received about $122,000 in federal funds for the program. The commonwealth Legislature, beginning in 1975, has also budgeted $25,000 each year to purchase equipment, the parents said.

The parents alleged, however, they must buy all equipment for the program — tables, chairs, kitchen equipment and even paper and chalk.

The parents received the first $25,000 in local funds in 1975 and bought an elaborate piece of classroom equipment called the "phonic ear," Mrs. Garriga said. In following years, the money was transferred to the Education Department, the parents said, and the only new equipment they have seen since has been about 30 hearing aids, which arrived incomplete and were never adjusted to the children's ears.

"This money is obviously being used to cover for gaps in the department's regular budget," Mrs. Garriga alleged.

Program coordinator Catuira M. Vazquez claimed that the [illegible] in federal money was used to pay salaries of nine teachers, three teaching assistants and one janitor.

The [illegible] is paying for a social worker and speech [illegible] physical education equipment and $1,000 for education materials, she said. "My salary is paid by the Education Department."

The department has not assigned a full-time coordinator to the deaf-blind program, the parents charged, and its proposals to the New York regional office are late every year. The parents showed a copy of a letter from the New York regional coordinator to Education Secretary Carlos Chardon, complaining of delays and threatening to cut off all funds if the department did not inform the New York office by Nov. 30, 1977, of the program's status.

The program started one month late this year because of department delays in acquiring funds and recruiting teachers, Mrs. Garriga charged.

Mrs. Vazquez said she could not work on the program full-time because limited personnel forces her to handle several programs.

Proposals have been filed on time, she claimed, explaining that the problem with the New York office centered around the "interagency contract," which shows how Puerto Rico used the federal money. She met with the regional coordinator Nov. 29 to learn how to prepare that contract.

The program started one month late, she said, because the department had difficulty in finding qualified teachers.

The small number of teachers with the training to teach disabled children often prefer regular teaching jobs, where they can get job security, while special education positions go vacant, department officials said.

The parents charged, furthermore, that the department and the San Juan municipal government have prevented the program from expanding. The deaf-blind program has a waiting list of over 150 children, besides many more on the island who probably do not know it exists, parents said.

In 1974, the parents association lobbied the Legislature for $45,000 to build a special school, and the city government, then under Carlos Romero Barcelo, donated $1,000 to complete construction. Instead of turning the finished building over to the children, however, the city government made it into a police station, the parents charged. Education officials acknowledged that charge was true.

The children are now dispersed in classrooms in two separate schools.

The Education Department also lost $39,000 in federal funds, set aside last year to construct housing so that deaf-blind children on the island could stay in San Juan to take classes, parents charged. They showed a letter from the New York coordinator chastising the department for failing to use and, therefore, losing the money.

Mrs. Vazquez claimed she spoke with the regional coordinator and explained that the department needed the $39,000 for salaries. He "promised" that Puerto Rico will receive the money, she said, though she did not know when.

Asked if they have spoken to officials about these problems, Mrs. Garriga charged that the parents have come to the [illegible] but "They did not want to hear us."

The department has contacted the parents only to ask for money, never to discuss the program with them, parent Rosalinda Alonso claimed.

Asked if officials had ever considered calling a meeting with the parents, advisor Bill Vega said, "There is an open door policy in the department, and the parents can speak at public hearings."

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The Education Department will have to more than triple the number of special education teachers to provide services to all handicapped children in Puerto Rico, according to a University of Puerto Rico professor.

A new federal law requires that all handicapped minors receive evaluation, therapy and other services by September 1980.

The island has an estimated 103,100 handicapped children, but only 14,869 are receiving special educational services, Roberto Moran, director of UPR's special education program, said.

The department has indicated it will need at least 3,000 special education teachers, but has only 819, Moran said.

Meanwhile, the UPR Rio Piedras campus, the only university on the island which offers a degree in special education, is graduating only about 50 teachers in the field per year, the professor said. The total enrollment of the school is about 250.

A manpower program will have to be developed to provide enough teachers, Moran concluded.

In its state plan to implement the new federal law, the Education Department considered teacher preparation, not the number of teachers needed.

The plan found that, in a sample of 451 teachers, 21 percent have less preparation than a bachelor's degree, and more than half have less than seven credits in their area of specialization.

A large drawback in the special education program is the continual turnover of personnel, the plan stated. Most of these positions are paid with federal funds and cannot be guaranteed permanence, the plan said.

To deal with these problems, department supervisors have set up a series of in-service training courses to improve teacher preparation, the state plan stated.

THE SAN JUAN STAR—Thursday, May 12, 1977.

# P.R. legislators warned plan for handicapped needs update

By HAROLD J. LIDIN
Of The STAR Staff

A mainland consultant on education for handicapped children warned legislators that Puerto Rico must update its program for handicapped at the risk of losing federal funds for this purpose.

Failure to bring the programs up to par, attorney Richard Dowling told the lawmakers, means that the federal government will have "but one recourse under the law—the total cutoff of all federal special education funds."

Dowling insisted that the local programs must provide precise progress projections that will state "so many children by such a date, so many more children by such a date" will be given special assistance.

The program must also encourage "mainstreaming," the separation of the less retarded from the seriously retarded, and the incorporation of the more advanced children into normal society.

Federal aid for training handicapped children is now $2.9 million a year. This amount is to be almost doubled in [illegible], and will progressively increase until it hits a projected [illegible] million yearly by [illegible].

Dowling, in testimony before the House Education Committee, said that the recent effort by the Education Department to upgrade the program have been "well received in Washington." These improvements [illegible] interpreted as "a commitment on the Commonwealth's part to significantly expand and upgrade special education programs."

Dowling stated that legislative action in favor of handicapped children, not merely a departmental program, is highly advisable.

The House Education Committee is considering a bill defining public policy on programs for handicapped children. Dowling said he approves of the bill, in general terms, but said it should be more specific. He recommended that it include a guarantee of due process for parents wishing to appeal the denial of special education assistance to their children. He also said the bill should include specific guarantees of non-discriminatory testing for children and an individual education plan.

The "individual" plan is intended to keep children progressing according to their abilities and to avoid their being held back by unnecessarily long placement with the most severely retarded.

Rep. Cirilo Tirado Delgado, PDP-Guayama, noted that the census of handicapped children required by the bill was made by the Education Department in 1975. He said the survey showed more than [illegible] children in Puerto Rico qualifying for special education assistance.

Dowling, in an interview, said that shortcomings in the local program noted in the past are no worse than what [illegible] on the U.S. mainland.

**josé d. pagán pagán, m.d., f.a.c.s.**

CIRUGIA GENERAL

CONDOMINIO LOURDES — APT 1
CALLE ISABEL LA CATOLICA & ROSSY
BALDRICH HATO REY P R 00918

August 13, 1979

Received
[illegible]
Subcommittee on
[illegible]

Hon. Jennings Randolph, Senator
Chairman
Sub-committee on the Handycapped
Room 4232 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator:

Thank you very much for inviting me to participate at the oversight hearings on July 31, 1979 on the implementation of the Education for All Handicapped Children Act of 1975 (Public Law 94-142).

At the hearing it was asked by Hon. Senator Robert T. Stafford about the total number of children in the Public School System in Puerto Rico. The most recent figure is 720,000 children enrolled as of August 7, 1979.

Enclose please find the answers to the questions given to me at the hearing.

I hope that my testimony can be usefull to you and your Sub-committee to continue implementing Public Law 94-142 for the benefit of all the handicapped children of our Nation.

Sincerely yours,

J D Pagán Pagán

Jose D. Pagán Pagán MD, FACS.

JDPP/lr

[illegible]

DR. JOSE D. PAGAN - QUESTIONS

1. WHAT IS THE NATURE OF YOUR SON'S HANDICAP?

2. WOULD YOU EXPLAIN THE TYPE OF SPECIAL EDUCATION SERVICES YOUR SON RECEIVES IN THE SPECIAL EDUCATION PUBLIC SCHOOL?

3. DOES YOUR SON HAVE AN IEP? TO YOUR KNOWLEDGE, DO THE OTHER STUDENTS IN THE SCHOOL HAVE IEP'S?

4. WHAT, IF ANY, PROVISIONS ARE MADE FOR INCLUDING YOUR SON IN A REGULAR EDUCATIONAL PROGRAM?

5. YOU MENTION THAT YOUR SON'S TEACHERS HAVE HAD SOME FORMAL TRAINING IN SPECIAL EDUCATION. TO YOUR KNOWLEDGE, IS THIS TRAINING OFFERED BY THE UNIVERSITY OF PUERTO RICO? ARE ANY GRADUATE TRAINING PROGRAMS IN SPECIAL EDUCATION AVAILABLE THROUGH THE UNIVERSITY?

**josé d. pagán pagán, m.d., f.a.c.s.**

CIRUGIA GENERAL

CONDOMINIO LOURDES — APT 1
CALLE ISABEL LA CATOLICA & ROSSY
BALDRICH HATO REY P R 00918

EXHIBIT I

DR. JOSE D. PAGAN - QUESTIONS

1. What is the nature of your son's handicap?

   My son has been diagnosed as having aphasia and partial hearing loss, secondary to german measels during gestation.

2. Would you explain the type of special education services your son receives in the Special Education Public School?

   He has an academic curriculum adjusted to his capabilities. Additionally he receives instruction in music, physical education, arts and crafts and special therapy once a week.

3. Does your son have an IEP? To your knowledge, do the other students in the school have IEP'S?

   Yes.

4. What, if any, provisions are made for including your son in a regular educational program?

   None.

5. You mention that your son's teachers have had some formal training in special education. To your knowledge, is this training offered by the University of Puerto Rico? Are any graduate training programs in special education available through the University?

   Yes, to my knowledge the training is offered at the University of Puerto Rico.

   The University of Puerto Rico presently is offering a BA in Education with mayor in Special Education in the areas of mental retardation, emotional disturbances and

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**josé d. pagán pagán, m.d., f.a.c.s.**

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EXHIBIT I

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sensory handicap. Some graduate courses are given but not leading a Master degree. Teachers have to go somewhere else for advanced studies in special education.

## QUESTIONS

### IEP QUESTIONS

1. Does your child have an IEP?

2. At what stage in the development of the IEP were you encouraged to become actively involved? How were you notified?

3. Who comprised the IEP development team for your child? Was the special education teacher involved in the development of the IEP?

4. Were any social service agencies which might provide related services to your child involved in the development of the IEP?

5. Were your child's IEP conferences scheduled during regular school hours? Did you participate actively in the development of your child's IEP?

6. What, if any, problems did you encounter as a parent in the development or implementation of your child's IEP?

7. What follow-up procedures were used to ensure that the goals and objectives of the IEP were actually carried out in the classroom?

8. In your opinion, were the services of your child's school adequate to implement the provision of his IEP?

9. Do you feel the IEP requirement stipulated by Public Law 94-142 has affected the quality of the educational services available to your child?

10. In your opinion as the parent of a handicapped child how might the process of developing and implementing IEP's be improved?

11. What proportion of your IEP deals with related services, such as transportation, physical therapy, etc.?

12. If you were given the opportunity to amend the Federal regulations which govern the IEP, how would you change them?

EXHIBIT II

**josé d. pagán pagán, m.d., f.a.c.s.**

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IEP QUESTIONS

1. Does your child have an IEP?

   Yes

2. At what stage in the development of the IEP were you encouraged to become actively involved? How were you notified?

   Unfortunately, this past year toward the end of the school year inasmuch as my son is getting close to that age whom he has to be relocated in accordance with the norms of the school.

3. Who comprised the IEP development team for the child? Was the special education teacher involved in the development of the IEP?

   In that occasion refer in question number two - the team that was evaluating and determining the IEP of my son consisted of a teacher (the teacher in charge of the aphasic group), a social worker, a psycologist, the school director and us (my wife and myself) As parents we were very impressed by the professionalism and concern of all persons involved. This is the first and only time I have been asked to participate in such evaluation since my child has been at the Víctor Parés School. My wife states that in the past eight years the homeroom teacher has talked to her several times about my son in an informal setting, but never as they did in this one and only meeting. By the pleasant experience this time - we hope that this would be the norm rather than the exception.

**josé d. pagán pagán, m.d., f.a.c.s.**

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4. Were any social service agencies which might provide related services to your child involved in the development of the IEP?

Yes, a social worker was involved.

5. Were your child's IEP conferences scheduled during regular school hours? Did you participate actively in the development of your child's IEP?

Yes. Yes, but only for that one meeting mentioned in numbers two and three.

6. What, if any, problems did you encounter as a parent in the development or implementation of your child's IEP?

Retrospectively, the most important problem encountered in the implementation of the IEP for my son has been the inconsistency between what was thought needed and the actual services rendered.

7. What follow-up procedures were used to ensure that the goals and objectives of the IEP were actually carried out in the classroom?

We have the subjective impression that no follow-up procedures were used to ensure that the goals and objective of the IEP were actually carried out. For example: the needs of intensive speech therapy for my son was well known. However, he has received this therapy for only 50 minutes a week, when Speech Therapist was available; which is far from adequate. In fact, there were periods during the school year when this service was not available at all. The school has only one Speech Therapist for 165 students.

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8. In your opinion, were the services of your child's school adequate to implement the provision of his IEP?

No, the services were far from adequate although the school is doing its best considering the limited facilities and the available personnel it had.

9. Do you feel the IEP requirement stipulated by Public Law 94-142 has affected the quality of the educational services available to your child?

Yes, it has affected the quality if the educational services available to my child but not to the extend that the law contemplates. We feel that the IEP requirement stipulated by Public Law 94-142 are ideal and should be enforced to assure justice to each handicapped child.

10. In your opinion as the parent of a handicapped child how might the process of developing and implementing IEP's be improved?

We feel that the process of developing and implementing the IEP might be improved in:

a)- Assuring that adequately trained personnel is available at all levels of special education program. The universities should be encouraged to train a greater number of specialized personnel to cope with the shortage created by the Law.

b- Adequate funding of the Law is mandatory. To enact a Law of such magnitude, more funds should have been allocated at the initial stages to make if more feasable.

**josé d. pagán pagán, m.d., f.a.c.s.**

CIRUGIA GENERAL

CONDOMINIO LOURDES – APT 1
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c- The security of the job, particularly for the special education teachers, is mandatory. In Puerto Rico the special education teachers do not have tenure. They are appointed as provisional teachers. This are drained into the regular program looking for job security, which constantly increases the shortage of teachers at the special education programs. This have to be worked out somehow prior to establishing a meaninfull IEP program, since the turnover of teachers in special education is such - that any IEP program in effect, is meaningless.

d- Special teachers and a multi-disciplinary team should work during summer vacation developing IEP programs, which should be ready when students starts school.

e- In each school districts there should de a multi-disciplinary evaluation team for the evaluation of students and developing IEP.

f- Another team should evaluate the implementation of each IEP at least yearly.

g- A continued education program should be established for special education teachers to keep them abreast of all new developments in their fields.

11. What proportion of your IEP deals with related services, such as transportation, physical therapy, etc.?

    About 20% of it.

12. If you were given the opportunity to amend the Federal regulations which govern the IEP, hou would you change them?

    I definitely would not change them.

José D. Pagán Pagán MD FACS

## QUESTIONS

### FAPE QUESTIONS

1. What is your understanding of the term "free appropriate public education?

2. As a parent of a handicapped child can you tell us what, if any, programs are offered by your school district to nonhandicapped children but not to handicapped children?

3. What impact has Public Law 94-142 had to date on the quality and quantity of school services provided the handicapped by your school district?

4. Since the enactment of Public Law 94-142 what progress has been made and what problems remain with respect to the identification, diagnosis and placement of handicapped children?

5. To your knowledge are there any state or local limits on the amount of reimbursement that parents may receive for private school placement or for cost of related services? If there are such limitations, do they conflict with the requirement in Public Law 94-142 that a free appropriate education be provided to every handicapped child between the ages of 5 and 18?

6. As a parent of a handicapped child, how would you rate the overall effort of school administrators and teachers in providing your child with a free appropriate public education?

**josé d. pagán pagán, m.d., f.a.c.s.**

CIRUGIA GENERAL

CONDOMINIO LOURDES — APT 1
CALLE ISABEL LA CATOLICA & ROSSY
BALDRICH HATO REY P R 00918

EXHIBIT III

PAPE QUESTIONS

1. What is your understanding of the term "free appropriate public education?

   a) Free - it should be supplied to the handicapped without cost to him or the family

   b) Appropriate - this is the key concept in Public Law 94-142 since it centralizes the services and education given to each handicapped child on his needs and capabilities to help correct them to the outmost in an individual basis as possible.

   c) Public education - education that is supplied by the state.

2. As a parent of a handicapped child can you tell us what, if any, programs are offered by your school district to nonhandicapped children but not to handicapped children?

   In our school district most of the effort is directed to the non-handicapped children and the services given to handicapped are relatively nil. There are only six special public schools in Puerto Rico to serve a population of at least 77,000 registered handicapped. According to the Department of Education only 15,500 of these are receiving some kind of service, known to be far from adequate.

3. What impact has Public Law 94-142 had to date on the quality and quantity of school services provided the handicapped by your school district?

   My appreciation is that the impact that Public Law 94-142 has had up to date in Puerto Rico as to the quality and quantity of the school services is negligible. Presently, at the Víctor Parés School, one week after school year have started, the situation in regard to the teachers is chaotic.

EXHIBIT III

Out of the sixteen special teachers only six have been appointed. It is important to point out that the school has an enrollment of 165 students. The speech therapist, psycologist, nurse, physical education and music teacher, and social worker have not been reappointed so far this year. The school has lacked a nurse for the last four years although a lot of the kids require special medications. I was told by a teacher that the situation in other special schools is worse than at Víctor Parés School. At Hostos and at Timothee Schools not all the teachers have been appointed, particularly the teachers for deaf students. The special education group at El Salvador School who serves fifteen students does not have a teacher or a teacher assistance yet. At the Roosevelt School the teacher assistance has not been appointed for a group of fourteen students. In the School District Number 5 of Río Piedras, no teachers or teachers assistants have been appointed so far for their Special Education Program. The kids have been out of school for this past week. In Anexo Timothee School the teachers for deaf mute students and the physical education teacher has not been appointed.

4. Since the enactment of Public Law 94-142 what progress has been made and what problems remain with respect to the identification, diagnosis and placement of handicapped children?

**josé d. pagán pagán, m.d., f.a.c.s.**

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EXHIBIT III

Some progress has been made but it is very limited indeed. In Puerto Rico the gross of the handicapped children has not even been evaluated. According to the Department of Education there are at least 56,000 kids which have not been evaluated. Of the ones evaluated 5,500 are waiting placement!

5. To your knowledge are there any state or local limits on the amount of reimbursement that parents may receive for private school placement or for cost of related services? If there are such limitations, do they conflict with the requirement in Public Law 94-142 that a free appropriate education be provided to every handicapped child between the ages of 5 and 18?

As far as I know, no reinbursement is given to parents of handicapped children in private schools. This is in conflict with what Public Law 94-142 promised the handicapped: appropriate education.

6. As a parent of a handicapped child, how would you rate the overall effort of school administrators and teachers in providing your child with a free appropriate public education?

At the school level I feel that teachers and school administrators are doing all they can with the limited resourses available and with the lack of help from higher levels in the Education Department. As far as the overall effort of the Department of Education it is my impression that the effort is very limited and ineffective in most cases.

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## QUESTIONS

### LRE QUESTIONS

1. What do you understand the requirements of Public Law 94-142 to be regarding the placement of handicapped children in least restrictive environments?

2. What changes have occurred with respect to the placement of your handicapped child in a least restrictive environment as required under Public Law 94-142?

3. Does your child spend any part of his day in a regular classroom?

4. For what activities is your child included in the regular class program?

5. Do you feel the time spent in the regular class is appropriate to your child's educational needs?

6. Do you know whether the regular class teacher receives any special assistance or materials in order to develop an appropriate individualized program for your child in the regular class?

7. What are the differences in class size between the regular class and special education class your child attends?

8. Have there been any problems with nonhandicapped students accepting handicapped children in the regular classroom?

9. Who is providing the majority of educational services for your child? Do you know what proportion of his educational program is the responsibility of a
    - --special education teacher,
    - --regular class teacher,
    - --classroom aide?

10. How would you respond to the concern that some handicapped children are being "dumped" into regular classrooms and thus are receiving fewer educational services than would be provided in self-contained classes or residential settings?

**josé d. pagán pagán, m.d., f.a.c.s.**

CIRUGIA GENERAL

CONDOMINIO LOURDES — APT 1
CALLE ISABEL LA CATOLICA & ROSSY
BALDRICH HATO REY P R 00918

EXHIBIT IV

LRE QUESTIONS

1. What do you understand the requirements of Public Law 94-142 to be regarding the placement of handicapped children in least restrictive environments?

   Handicapped children should be placed in the least restrictive environment according to their capabilities. To each handicapped child a determination of what is his least restrictive environment should be made. An environment which is less restrictive to one child may be very restrictive to another. This should be determined by a capable person at the time that the IEP is being prepared. Reevaluation of the child adjustment to the environment is mandatory to provide corrective measures and assistance to help him adjust to the environment and or relocate the child if necessary.

2. What changes have occured with respect to the placement of your handicapped child in a least restrictive environment as required under Public Law 94-142?

   None.

3. Does your child spend any part of his day in a regular classroom?

   None.

4. For what activities is your child included in the regular class program?

   None.

.../..

**josé d. pagán pagán, m.d., f.a.c.s.**

CIRUGIA GENERAL

CONDOMINIO LOURDES — APT 1
CALLE ISABEL LA CATOLICA & ROSSY
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EXHIBIT IV

5. Do you feel the time spent in the regular class is appropriate to your child's educational needs?

Probably, although at present time my child needs intensive and regular speech therapy to bring him to where he should be or is capable of being, prior to his placement in a regular classroom.

6. Do you know whether the regular class teacher receives any special assistance or materials in order to develop an appropriate individualized program for your child in the regular class?

Not applicable.

7. What are the differences in class size between the regular class and special education class your child attends?

In the public education system in Puerto Rico the regular classroom usually has between thirty (3) and forty (40) children per classroom. My son attends a Special Education School (Víctor Parés Collazo School) and he is in a group of ten (10) aphasic children.

8. Have there been any problems with nonhandicapped students accepting handicapped children in the regular classroom?

Yes, if the non-handicapped students are not prepared in advance to help the handicapped students, often they do not accept them and can be very cruel indeed.

9. Who is providing the majority of educational services for your child? Do you know what proportion of his educational program is the responsibility of a
    --special education teacher,
    --regular class teacher,
    --classroom aide?

.../..

**josé d. pagán pagán, m.d., f.a.c.s.**

CIRUGIA GENERAL

CONDOMINIO LOURDES — APT 1
CALLE ISABEL LA CATOLICA & ROSSY
BALDRICH HATO REY P. R. 00918

EXHIBIT IV

9. The majority of the educational services to my son are provided by the special education teacher (homeroom teacher) in charge of the aphasic group: aproximately 60%-70% of his educational program. He receives speech therapy, physical education, music and crafts for an additional one hour a week each which accounts for an additional 10%-15%; and the classroom aide is responsible for approximately 15% of the program.

10. How would you respond to the concern that some handicapped children are being "dumped" into regular classrooms and thus are receiving fewer educational services than would be provided in self-contained classes or residential settings?

I am afraid that this is the case in our educational system in Puerto Rico. I have heard the complaint of a parent about this situation. When he complained to the regular classroom teacher about the lack of attention to his kid, he was told, "do not worry, he is not going to learn anyway."

In our public school system, regular classrooms are usually overcrowded, and no special attention can be given to any of the regular students, much less to the handicapped.

## STATEMENT OF THE IMPLEMENTATION OF PUBLIC LAW 94-142 IN PUERTO RICO

My name is Héctor Luis Alvarez, I am a resident of San Juan, Puerto Rico. My daughter, Lisandra Alvarez is 5 years old and she is a handicapped girl. When she was nine months old (February 18, 1975) our private doctor, Dr. Mirabal Font recommended us to take her to the Neurological Institute in New York for a Neurological Consultation. It was necessary to go to New York because there were no facilities available at the time in Puerto Rico for an evaluation. We incurred in expenses approximately Two-Thousand ($2,000.00) Dollars, which included Hospital Care, Doctors visits, Lab Tests, etc. As a result of that evaluation, it was determined that she had neurological deficiencies due to brain damage, also facial palsy in her left side and cross eyes. Dr. A. Gold from the Neurological Institute recommended us to place her in a special education center for handicapped children.

When she was one and a half years old, I went to the Department of Education in San Juan, Puerto Rico for help. We were referred to the Special Education Department and they told us that our daughter was too young to be helped and that there were no services or facilities available for her at that time.

We all know that the earlier a child is reached the easier it is to assist with the problems. Yet we were told that there were no public services for our daughter and that she was too young to be helped.

We were not happy with the answer given to us and we decided to look for a private school which could offer us the special educational services that our daughter needed. So we enrolled our daughter at "The Nilmar School," a private school which costs us $125.00 a month together with $400 additional costs annually. Here she receives physiotherapy to aid her with her coordination problems. She gets speech therapy and other special education and social therapy.

For the type of special education our daughter is now receiving, there is nothing presently available in public education in Puerto Rico. We are, therefore, forced to continue to maintain her in a private school because of the lack of adequate public education.

Our experience is that we as parents were never aware of special education facilities in Puerto Rico. Even our doctor knew nothing about it. Only by word of mouth from one family who had special educational problems to another were we able to learn of the Special Education Department in Puerto Rico's Department of Education.

In truth, such services are practically non-existent. In fact, it is the policy of the Department of Education to provide the least amount of services.

Yet despite this failure and many others, in a letter dated, March 9, 1979, sent to the Acting Regional Director of the DEHW's addressed to Carlos Chardon, Secretary of Education for Puerto Rico, the head of the Special Education Department quoted in this report as saying:

> "There is no reason or educational justification for seven schools providing only special education."

These seven schools are the only special schools in all of Puerto Rico, and they exist only for deaf, blind and severely mentally handicapped. There is, as you may imagine, a long waiting list of handicapped children waiting for services.

As time passes, these children waiting for help, become more difficult to assist.

According to the PL-94-142 and its regulations, no handicapped child will be receiving special education and related services without the prior development of an Individualized Educational Plan.

Unfortunately, this is not true in Puerto Rico. In fact, I remember a discussion on this matter between a lawyer who was deposing and an Official from the Special Education Department during the hearings held by the Department of Education on the approval of the State Plan for 1979. The Department of Education official took the position of saying that the I.E.P.'s are to be developed after the child is placed in a program, he also accepted that this was a violation, but he answered that the Department does not have the resources to comply with the prescribed procedure.

That point was also found in the DHEW's report and I quote:

> "Our review revealed the school system's failure to establish standards and procedures for the evaluation and placement of students, who because of handicap need special education or related services, which is a violation of 45 CFR 84.35 (B)(1)."

Being this the reality, it is reasonable to conclude that an Individual Educational Program for the mayority of the handicapped children within the Commonwealth jurisdiction have not been prepared.

This is not the first complaint on this point. In February - March 1978, over one year ago, DHEW complained also of this matter, the Department of Education was suppose to rectify these deficiencies by May 15, 1978, yet as of March 1979, the Department of Education of Puerto Rico was still in violation. Yet for school year 1978-1979, the Federal Government gave Puerto Rico 6 1/2 million dollars for special education.

A basic postulate under PL-94-142 is that every handicapped child has the right to be provided a special education, as well as non-educational related services in order to make that education feasible. By September 1, 1978, all handicapped children between the ages of five and eighteen were to be receiving the free appropriate public education guaranteed by the Federal Law. The following statistics give a somewhat clear idea of how far the Puerto Rican handicapped children are from receiving these services. During 1974 the Department of Education for the Commonwealth conducted a handicapped children registration. During three consecutive Saturdays, registration centers were established along the Island and the parents were supposed to take their handicapped children to these centers.

This process which was not conducted house-to-house, showed a total of 53,400 handicapped children. Thereafter, an open register was kept at the school district Superintendents Office, where the parents would register their children, which were thought to be handicapped. By the end of the school year 1977-1978, that register was showing a total of 77,000 children registered as handicapped. Out of that total, only 21,000 had been evaluated and identified as handicapped by the Department. Only 15,500 -- out of that 21,000 -- were receiving special education services. A total of 56,000 children had not been even evaluated; 61,500 were not receiving the special education and related services guaranteed by the Federal Statute.

For reasons arising from these official statistics, a significant number of parents, like myself, have been forced to place their handicapped children in private settings, which are not available in a significant number. These private programs are not being supervised by the Education Department, and they are working under far from adequate conditions.

Additional statistics should be analyzed to prove that no free appropriate public education is being provided to handicapped children in Puerto Rico. According to the 1978 Special Education State Plan, the Department of Education conducted a study to determine the preparation of teachers dealing with handicapped children.

By the time of the study there were only 633 special education teachers under the Department of Education. "By 1978, the handicapped children registered showed a total of 77,000, an average of 121 children per teacher."

Another study dealing with regular teachers having handicapped children in their classrooms, revealed that 92% (428 out of 463) did not have any credit approved in special education.

It should also be stated that handicapped children placed in private institutions by the Government are minimal. They believe that if public institutions were available, there would be no need to place the children in private schools.

The picture in Puerto Rico is one of non-compliance with the Federal guidelines for special education. Not only is there non-compliance at present, but it has been part of the history of special education in Puerto Rico that the Department of Education's failure has been constant and irremediable.

Together with my prepared remarks, I am attaching a copy of the DHEW's report so that this committee can see for itself the present state of special education in Puerto Rico. It is one of violations of the Federal Regulations and complete failure to meet the guidelines.

It is not my desire to have the funds for special education to Puerto Rico be cut off. My recommendation is that Federal Authorities should keep all these facts in mind for the development of a more efficient monitoring system for the adequate implementation of the PL-94-142 in Puerto Rico.

Thank you!

HECTOR L. ALVAREZ
Rio Sonador Oeste AR-32
Valle Verde
Bayamón, Puerto Rico

ROBERTA S. EZRATTY
30 WASHINGTON STREET, SANTURCE, PUERTO RICO 00907

AUGUST 10, 1979

UNITED STATES SENATE
COMMITTEE ON LABOR
AND HUMAN RESOURCES
WASHINGTON, D.C. 20510

ATTENTION: JENNINGS RANDOLPH
CHAIRMAN
SUBCOMMITTEE ON THE HANDICAPPED

DEAR SENATOR RANDOLPH:

IN RESPONSE TO YOUR QUESTIONS, THE ATTACHED ANSWERS ARE ENCLOSED.

IN ADDITION, SENATOR STAFFORD REQUESTED THE NUMBER OF THE 1979-80 PUBLIC SCHOOL ENROLLMENT: THE FIGURE IS 720,000. THE 1978-79 YEAR HAD AN ENROLLMENT OF 721,500.

WE WISH TO THANK THE COMMITTEE FOR THEIR INTEREST IN THE EDUCATION OF THE HANDICAPPED. HOPEFULLY, EACH AND EVERY HANDICAPPED CHILD WILL BENEFIT. IF THERE IS ANYTHING I OR MY HUSBAND CAN DO TO HELP, PLEASE LET US KNOW. SOMETIMES IT'S EASIER TO FIGHT A BATTLE WITH OTHERS ON YOUR SIDE.

VERY TRULY YOURS,

ROBERTA S. EZRATTY

HARRY EZRATTY - QUESTIONS

1. How was your daughter's learning disability discovered?
2. What was your daughter's educational program before her learning disability was diagnosed?
3. You mention Puerto Rico's absence of programming at the secondary level. What age ranges do programs for the mildly handicapped such as the learning disabled serve?
4. To your knowledge, have other parents of handicapped children been provided with individual educational plans?

1. OUR DAUGHTER'S LEARNING DISABILITY WAS DISCOVERED WHEN A REFERRAL TO NEW YORK UNIVERSITY'S INSTITUTE OF REHABILITATION MEDICINE WAS MADE BY THE EDUCATIONAL THERAPY CENTER OF SAN JUAN. REFERRAL WAS NECESSARY SINCE " NO PROFESSIONAL TEAM ON THE ISLAND WAS AVAILABLE..." AN EXACT DIAGNOSIS WAS MADE AT N.Y.U. MEDICAL CENTER.

2. BEFORE HER LEARNING DISABILITY WAS DIAGNOSED, SHE ATTENDED A PRIVATE MONTESSORI SCHOOL IN SAN JUAN (FROM 2ND GRADE THROUGH 6TH). SINCE THE SCHOOL WAS SMALL, AND LAURIE SHOWED A GREAT DEAL OF POTENTIAL, LAURIE'S TEACHERS GAVE HER ORAL TESTS RATHER THAN WRITTEN ONES; GAVE HER SPECIAL TUTORING; AND WERE SOLICITIOUS OF HER NEEDS.

3. THE LEARNING DISABLED CHILD IS SERVED UP THROUGH THE 6TH GRADE ON A MINIMAL BASIS. MRS. EZRATTY MET WITH THE ADMINISTRATOR OF THE SPECIAL EDUCATION PROGRAM ON AUGUST 7, 1979 TO DISCUSS A PROGRAM FOR LAURIE. AS YOU WILL NOTE ON EXHIBIT 'A' THE ONLY EXISTING PROGRAMS ARE UP TO THE 6TH GRADE (THEY WERE BEING CONSIDRED EVEN THOUGH LAURIE IS ENTERING 12TH GRADE). NO PROGRAMS ARE AVAILABLE FOR SECONDARY SCHOOL. PLEASE NOTE ON EXHIBIT 'B' THAT NO MONEY WAS ALLOCATED FOR LEARNING DISABILITIES FOR THE SCHOOL YEARS 1977 -1978 AND 1978 - 1979. THESE FIGURES ARE FROM THE DEPARTMENT OF EDUCATION OF PUERTO RICO.

4. TO OUR KNOWLEDGE, NO PARENTS OF HANDICAPPED CHILDREN HAVE BEEN PROVIDED WITH INDIVIDUAL EDUCATION PLANS.

ROBERTA AND HARRY EZRATTY

FAPE

1. OUR UNDERSTANDING OF FREE APPROPRIATE PUBLIC EDUCATION IS ONE IN WHICH A CHILD IS GIVEN AN OPPORTUNITY TO BE EDUCATED IN AN ENVIRONMENT WHICH IS PROPER AND IN THE NATIVE TONGUE OF THE CHILD. IF THE CHILD HAS SPECIAL NEEDS, THOSE NEEDS SHOULD BE MET.

2. IN OUR SCHOOL DISTRICT, THE NON-HANDICAPPED CHILD RECEIVES AN EXTREMELY POOR EDUCATION. THE HANDICAPPED CHILD, IN MANY INSTANCES, RECEIVES NO EDUCATION FOR DUE TO THE LACK OF PROGRAMS AND SOMETIMES DUE TO THE LACK OF TRANSPORTATION FOR THE PHYSICALLY HANDICAPPED.

3. I BELIEVE THAT 94-142 HAS NOT MADE TOO MUCH OF AN IMPACT, SINCE MOST PARENTS ARE NOT AWARE OF THEIR RIGHTS. I DO NOT BELIEVE THAT THE DEPARTMENT OF EDUCATION IS COMPLYING WITH THE LAW.

4. THERE IS A LONG LIST OF CHILDREN WAITING TO BE EVALUATED; DIAGNOSES AND RESULTS OF EVALUATIONS TAKE MANY MONTHS; PLACEMENTS ARE RARE SINCE FEW PROGRAMS EXIST.

5. THE DEPARTMENT OF EDUCATION PAYS NOTHING TOWARD PRIVATE SCHOOL PLACEMENT, EVEN THOUGH THEY HAVE NO PROGRAM WHATSOEVER AVAILABLE. THE CLEAR DEFIANCE OF THIS IS EVIDENT IN EXHIBITS 'C,' 'D,' 'E,' 'F,' AND 'G.' WE WERE FORCED TURN TO THE COURTS -- AND THEN WERE ADVISED BY THE SECRETARY OF EDUCATION THAT NO FUTHER ACTION WILL BE TAKEN TO HELP ESTABLISH A PROGRAM FOR LAURIE'S EDUCATION IN PUERTO RICO SINCE WE HAVE TURNED TO THE COURT. THIS IS IN DIRECT CONFLICT WITH P.L. 94-142.

6. ALTHOUGH THE PEOPLE WE HAVE HAD DIRECT CONTACT WITH IN THE OFFICE OF SPECIAL EDUCATION SEEM MOST SYMPATHETIC, THEY HAVE NOT, TO DATE, SET UP AN APPROPRIATE PUBLIC EDUCATION PROGRAM.

IEP

1. OUR DAUGHTER IS CURRENTLY ATTENDING A PRIVATE SCHOOL IN BURLINGTON, VERMONT FOR LEARNING DISABLED ADOLESCENTS. NEEDLESS TO SAY SHE IS RECEIVING AN IEP THERE. NONE IS AVAILABLE IN THE PUBLIC SCHOOL SYSTEM, INSOFAR AS I KNOW.

2. NOT APPLICABLE

3. "

4. "

5. "

6. "

7. "

8. "

9. "

10. A PROPER TEAM FOR INITIATING AN IEP MUST BE FORMED. THE PARENTS MUST BE ADVISED OF THEIR RIGHTS AND THE AVAILABILITY OF PLACEMENT MUST BE MADE.

11. UNKNOWN

12. IF FEDERAL FUNDS ARE GIVEN, FEDERAL MONITORING MUST BE IMPROVED. A PROFESSIONAL EMPLOYED BY THE FEDERAL GOVERNMENT SHOULD BE INSTRUMENTAL IN CARRYING OUT THE PROGRAM OF INDIVIDUAL EDUCATION ON THE LOCAL LEVEL. THE OFFICE OF SPECIAL EDUCATION SHOULD NOT BE RULED ONLY BY COMMONWEALTH EMPLOYEES OF A PARTICULAR POLITICAL PARTY, BUT BY FEDERAL EMPLOYEES WHO ARE IMPARTIAL. THE CHILDREN'S EDUCATION SHOULD NOT BE LOST SIGHT OF -- WHICH IS WHAT IS HAPPENING NOW.

LRE

1. TO MY UNDERSTANDING, THE CHILD SHOULD RECEIVE WHATEVER INDIVIDUAL EDUCATION HE NEEDS AND SHOULD BE MAINSTREAMED WITH HIS PEER GROUP SO THAT HE DOES NOT FEEL " DIFFERENT."

2. NOT APPLICABLE (OUR DAUGHTER ATTENDS A PRIVATE SCHOOL IN BURLINGTON, VERMONT FOR LEARNING DISABLED ADOLESCENTS)

3. "

4. "

5. "

6. "

7. "

8. "

9. "

10. "

BEST AVAILABLE COPY

Exhibit A

COMMONWEALTH OF PUERTO RICO
DEPARTMENT OF EDUCATION
HATO REY, PUERTO RICO

RECEIVED JUN 18 1979

OFFICE OF THE
SECRETARY OF EDUCATION

June 13, 1979

Lic. Harry A. Ezratty
Attorney - At Law
Proctor in Admiratty
306 Ponce de León Avenue
P.O. Box 5242
Puerta de Tierra
San Juan, Puerto Rico 00906

Re: Laurice Ezratty

Dear Mr. Ezratty:

The Special Education Program for Handicapped Children of the Department of Education of Puerto Rico is in the process of organizing the enrollment, and courses available for handicapped children for the 1979-80 school year.

According to the evaluation performed upon your child as of December 18, 1977, by psychologist Argelia García and Educational Diagnostician Edward Ferraioli, (copy of the evaluation reports are included) once again this program wishes to put its available resources at your disposal in order to educate your daughter Laurice at the least restrictive alternative as recommended by the evaluating committee.

According to that evaluation, institutionalization or special groups per se were not recommended, therefore, a placement in any type of institution which would not constitute a main streaming of this child are not being considered.

As Laurice dominant language is English, the following schools will be considered:

| | | |
|---|---|---|
| Escuela Pedro Goyco | Santurce | K-3 |
| Escuela Luis Rodz. Cabrero | Santurce | K-3 |

| | | |
|---|---|---|
| Escuela Antonio B. Caimary | Santurce | K-3 |
| José Severo Quiñones | Carolina | 4-6 |
| Amalia Expósito | Carolina | 4-6 |
| Villa Carolina III | Carolina | 4-6 |
| Pascasio Sancérrit | Carolina | 4-6 |

We are enclosing copy of the procedural safeguards available to you under Subpart E of the Federal Regulations. If you have any question as to the same, please contact Lic. América García de Rivera of the legal staff of the Department of Education.

Please contact me on or before June 15, 1979 in order to schedule a meeting concerning Laurice placement and individualized educational program at the following phone numbers: 754-0994- 764-8059.

Sincerely yours,

Annibal A. Flores
Administrator
Special Education Program

Enclosoures

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Exhibit "B"

| [illegible] Fiscal | Estatal | Federal | Total | VI-B Servicios Elvita | VI-C [illegible] | VI-C [illegible] | II-D Training | VI-E Upgrade | VI-F LRC | II-F LRC | VI-G Learning Training | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1958-59 | INFORMACION en Sometido [illegible] mas adelante | | | | | | | | | | | | | | | | | |
| 1959-60 | | | | | | | | | | | | | | | | | | |
| 1960-61 | | | | | | | | | | | | | | | | | | |
| 1961-62 | | | | | | | | | | | | | | | | | | |
| 1962-63 | | | | | | | | | | | | | | | | | | |
| 1963-64 | | | | | | | | | | | | | | | | | | |
| 1964-65 | | | | | | | | | | | | | | | | | | |
| 1965-66 | | | | | | | | Información se encuentra en archivo Buchanan | | | | | Información se encuentra en Buchanan | | | | Información en Buchanan | | |
| 1966-67 | | | | | | | | | | | | | | | | | | | |
| [illegible] | | | | | | | | | | | | | | | | | | |
| | | 897,323 | 897,323 | 625,232 | | | | | | | | | | | | 322,091 | | | |
| | | 897,323 | 897,323 | 625,232 | | | | | | | | | | | | 322,011 | | | |
| 1970-71 | | 897,323 | 897,323 | 625,232 | | | | | | | | | | | | 270,091 | | | |
| 1971-72 | 2,133,000 | 897,303 | 3,030,323 | 625,232 | | | | | | | | | | | | 291,090 | | | |
| 1972-73 | 2,133,000 | 1,016,312 | 3,149,312 | 62[illegible] | | | | | | | | 50000 | | | | 341,080 | | | |
| 1973-74 | 2,133,000 | 2,008,993 | 4,141,993 | 665,232 | | | 102,249 | | | | 52600 | 393,358 | | | 358,554 | 190,000 | | |
| 1974-75 | 2,133,000 | 3,534,659 | 5,667,659 | 1341 899 | 69000 | | 113 000 | | 49049 | 49 040 | 63,750 | 317 724 | 98734 | 126 | 571,453 | 671,356 | | 85, |
| 1975-76 | 2,133,000 | 4,102,463 | 6,235,463 | 1341 899 | 129 480 | 20,212 | 90 000 | 174,000 | 49,049 | 61 256 | 125,000 | 317729 | 126,647 | 323 011 | 571,453 | 671,621 | | 36, |
| 1976-77 | 2,133,000 | 4315 911 | 6448,911 | 1341 899 | 129 000 | 114 514 | 179 000 | 174000 | 49,049 | 120 130 | 131,243 | 190 979 | 323011 | 323011 | 571,453 | 671,622 | 31 000 | |
| 1977-78 | 1,721,290 | 5944 758 | 7666 048 | 2 899 064 | | 122 487 | 65000 | | | 28,073 | | 1035,035 | 428 602 | 428 602 | 571,453 | 341,442 | 25000 | |
| 1978-79 | 3,500,000 | 6 583 874 | 12 083 874 | 2 899 064 | 76 000 | 122 487 | 89 000 | | | | | 1133,025 | 326 805 | 326,805 | 571,453 | 1,117,185 | 25,000 | |
| | 29,0[illegible]3,290 | 31,096,2[illegible] | 51,115,552 | 13 995 217 | 383 480 | 441 760 | 618 249 | 348 000 | 196,147 | 258 508 | 431 593 | 3,26[illegible] | 1,2[illegible]858 | 1,[illegible] | 4,6[illegible] | 3,666,2[illegible] | 81,000 | [illegible] |

410

Exhibit "C"

LARRY A. EZRATTY
ATTORNEY-AT-LAW
PROCTOR IN ADMIRALTY
306 AVENIDA PONCE DE LEON
P. O. BOX 5242
PUERTA DE TIERRA
SAN JUAN, PUERTO RICO 00906

TELEPHONES:
(809) 722-8840
722-8041
TELEX: 345807,
CABLE ADDRESS: PENYL

May 12th, 1978

Department of Education
Tres Monjitas Urb.
Hato Rey, Puerto Rico

Attention: Carlos Chardon,
Secretary of Education

Re: Laurie J. Ezratty

Dear Mr. Chardon:

On May 10, 1978, a meeting was held at the office of Special Education at the request of Mrs. García of that Department. Present were Mrs. García, Mr. Ferraiola, Mrs. Bermudez and Mrs. Rivera, as well as Mrs. Ezratty and myself.

A written report of the psychological evaluations of my daughter Laurie, made on December 18, 1977, were given to us. Mrs. García acknowledged that their findings indicate Laurie has minimal brain dysfunction, is learning disabled needing Special Education. A determination was made by your office that Laurie could be helped in Puerto Rico. Rather than continuing in her present school in Vermont specializing in learning disabilities.

Mrs. Bermudez advised that at present she could not give the names and qualifications of the teachers who would be teaching in this program. In fact, she stated there is no program available at the present time. It will have to be set up and the Education Department stated that in order to properly set up this highly specialized program, they would consult with Dra. Lilliam Strong, a specialist in the field who has a private clinic in Puerto Rico.

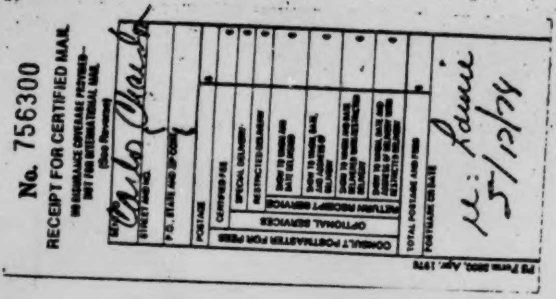
It was pointed out to Mrs. Bermudez that since a request was made for Special Education for Laurie in September 1977, and there was no program available in Puerto Rico, that Puerto Rico's Department of Education is responsible for reimbursement for the school year 1977-1978. I formally make such claim for funds for that school year.

It was also alleged by Mrs. Bermudez that the hearing we had in December was not a hearing contemplated under the law. She stated that that was yet to come before a hearing examiner. I challenge that; but assuming it is true, how could the committee arrive at the conclusion that Laurie can be helped in Puerto Rico? This is the examiner's function. It appears that the decision was taken before the statutory hearing, certainly a violation of rights, since the Department of Education has prejudged the case.

Very truly yours,

HARRY A. EZRATTY

HAE/mb
cc: Mrs. Gloria Bermudez
    Mr. Nard Sinclair



No. 756300
RECEIPT FOR CERTIFIED MAIL
NO INSURANCE COVERAGE PROVIDED— NOT FOR INTERNATIONAL MAIL
(See Reverse)

SENT TO Carlos Chardón
STREET AND NO.
P.O., STATE AND ZIP CODE
POSTAGE
CONSULT POSTMASTER FOR FEES
CERTIFIED FEE
OPTIONAL SERVICES
SPECIAL DELIVERY
RESTRICTED DELIVERY
RETURN RECEIPT SERVICE
TOTAL POSTAGE AND FEES
POSTMARK OR DATE
re: Laurie
5/12/78
PS Form 3800, Apr. 1976

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Exhibit "D"

COMMONWEALTH OF PUERTO RICO
DEPARTMENT OF EDUCATION
HATO REY, PUERTO RICO

OFFICE OF THE
SECRETARY OF EDUCATION

May 19, 1978

Mr. Harry A. Ezratty
Attorney-At-Law
Proctor in Admiralty
306 Ponce de León Avenue
P. O. Box 4252
Puerta de Tierra
San Juan, Puerto Rico 00906

Dear Mr. Ezratty:

Reference is made to your letter of May 12, 1978 in relation to the case of Laurie J. Ezratty.

Due to the fact that this case is pending decision by the U.S. District Court for the District of Puerto Rico, no action will be taken in relation to your letter. The same has been referred to the Secretary of Justice.

Cordially yours,

Carlos E. Chardón
Carlos E. Chardón
Secretary of Education

Exhibit "E"

HARRY A. EZRATTY
ATTORNEY-AT-LAW
406 AVENIDA PONCE DE LEON
PUERTA DE TIERRA
SAN JUAN, PUERTO RICO 00906
TELEPHONE: AREA CODE (809)
723-0840 · 722-2041

ISMAEL MARRERO

NEW YORK OFFICE
RESNICK, TABAK, EZRATTY & BUTTNER
100 BROADWAY
NEW YORK, N.Y. 10007
TELEPHONE
AREA CODE (212) WO 2-0803

23 de mayo de 1978

Department of Education
Urb. Industrial Tres Monjitas
Hato Rey, Puerto Rico 00919

Attention: Carlos E. Chardon,
Secretary of Education

Re: Laurice J. Ezratty
Our File LM-09

Dear Mr. Chardon:

Thank you for your letter of May 19th. In view of the fact that both you and I are ultimately and only concerned with the best education for Laurie and other children in Puerto Rico like her, don't you think we should continue our efforts to determine how we can help her for the following school year?

I am not interested in maintaining law suits. If we can resolve this, the suit will be dismissed. But we should try to resolve it, don't you think so?

Very truly yours,

HARRY A. EZRATTY

HAE/mb

Exhibit "F"

June 20th, 1978

Department of Education
Urb. Industrial Tres Monjitas
Hato Rey, Puerto Rico 00919

Attention: Carlos E. Chardon
Secretary of Education

Re: Laurice J. Ezratty
Our File LM-09

Dear Mr. Chardon:

In view of your refusal to attempt to set up a program for learning disabled children as agreed with members of your department, I am formally appealing their decision and am requesting a hearing by a hearing examiner.

Very truly yours,

HARRY A. EZRATTY

HAE/mb

COMMONWEALTH OF PUERTO RICO
DEPARTMENT OF EDUCATION
HATO REY, PUERTO RICO

OFFICE OF THE
SECRETARY OF EDUCATION

Exhibit G

RECEIVED JUL - 3 1978

June 28, 1978

Lic. Harry A. Ezratty
Attorney-At-Law
Proctor in Admiralty
306 Ponce de León Avenue
P.O. Box 5242
Puerta de Tierra
San Juan, Puerto Rico 00906

Re: Laurice Ezratty

Dear Mr. Ezratty:

Reference is made to your letter of June 20th, 1978, in relation to the case of Laurice J. Ezratty.

Due to the fact that this case is pending decision by the U.S. District Court for the District of Puerto Rico, no action will be taken in relation to your letter. The same has been referred to the Secretary of Justice.

Cordially yours,

Carlos E. Chardon
Secretary of Education

EXHIBIT H

# 720,000 pupils flock to class as school year opens

By MAGGIE [illegible]
of The STAR Staff

The public school year began Tuesday for 720,000 students, with the usual complaints about maintenance and lack of teachers, but the Education Department said there were "definitely fewer problems than last year."

Overflowing toilets, lack of water fountains, and even a beehive in a teacher's desk caused parent protest.

Only one of the island's 1,500 schools failed to open on schedule — the new intermediate and primary school in Ponce's Barrio El Tuque, which is to serve 1,200 students.

Although completion of construction was scheduled for Aug. 8, some floors with cracks had to be reset at the last minute. Public Building Authority inspector's estimated the work would take three weeks. Because transportation to many schools was not available, the school year was postponed and lost time will be made up later in the term.

The Department is investigating conditions in Ponce's four-year-old Pauli School, where cracked walls and sinking floors have been reported. However, 1,000 students are attending classes there normally.

Although new high schools in Arroyo and Orocovis will be finished at month's end, classes are being held in old buildings.

Pickets or protests by students and parents were reported in several locations.

Residents from Sabana Abajo Public Housing Project picketed Carolina's Pedro Moczo Elementary School, protesting that their children had to walk too far.

The Sabana Abajo School had 10 wooden classrooms, which were demolished last summer as possible health hazards. Parents want a new school built in their neighborhood, but an Education Department spokesman said students have been permanently transferred elsewhere.

Police also reported pickets at two Sabana Grande schools and the elementary school in Santurce's Llorens Torres Public Housing Project.

Poor sanitary services and lack of a water fountain motivated a boycott by students at Eugenio María de Hostos School in Arecibo's Barrio Garrochales.

Parents informed the STAR that children had been sent home from the Victor Parés School for the mentally retarded in Hato Rey, because only seven teachers had been named.

A Department spokesman indicated that the delay was probably because special-education teachers are paid with federal funds. For the first time, the Education Department has implemented two new systems which have helped to reduce complaints—maintenance brigades and earlier hiring of teachers.

Camilo Domínguez, general administrator of the department, said all 100 school districts have had a crew of at least five men working throughout the summer.

If the work was not done, Domínguez implied, it was due to district organizational problems.

Two metropolitan area schools reporting such problems were Pedro G. Goyco Elementary School in Santurce and Paul G. Miller school in Trujillo Alto.

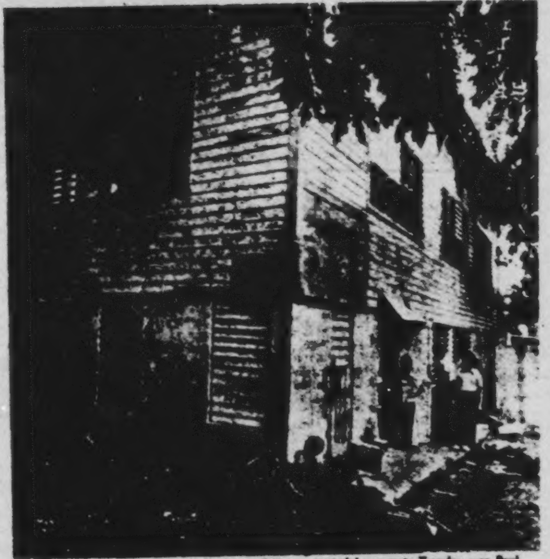
At the Goyco School, a parent said the toilets were lying in the corridors, there was garbage in the yards and parents had to take bottled water to the children due to lack of drinking fountains.

At the Miller School, the Parents Association complained of deterioration, including termites, bat droppings, broken bathrooms and general disrepair. In one classroom, bees had established a hive in the teacher's desk.

The hiring of new teachers in June instead of July has resulted in about 95 percent of positions being filled on opening day, according to Domínguez. In the San Juan region, for example, only 65 of 9,000 teacher openings are vacant.

The Teacher's Association, however, has received complaints that many teachers have been reassigned. President José Eligio Vélez said all teaching positions paid with state funds are being frozen when there is a vacancy. The department then transfers another teacher to the vacant slot or hires someone with federal funds. Librarians and art teachers, have suddenly been pulled from their specialized jobs and told to teach first grade, said Vélez.

He also said many deteriorated classrooms had been torn down, and no new ones built. As a result, he claimed pupils at Juan Ponce de León and San Agustín schools in Río Piedras, as well as in the junior and senior high schools in Jayuya, had been forced to return to double sessions.



One of the schools whose condition was being protested by parents Tuesday was Paul G. Miller Elementary School in Trujillo Alto's Barrio Quebrada Grande. A large beehive was found in the corner, above where the concrete section ends and the wooden superstructure begins. (STAR photo by Juan Feliciano)

BEST AVAILABLE COPY

Fito Santiago Soto
Bayamon, Puerto Rico

My name is Fito Santiago Soto. I am a father of a mentally retarded child nine years old.

To The Committee

The handicapped citizens of Puerto Rico, especially our children, need the benefits of Public Law 94-142.

We believe that this law clearly establishes the necessary guidelines that guarantee and provide an adequate educational program, which will greatly benefit our handicapped United States citizens regardless of age, race or religion.

We, the parents of handicapped children, have joined hands with professional people in different fields of endeavor so that Public Law 94-142 is implemented justly within the guidelines of this law.

We can assure you that as parents of handicapped children and as responsible citizens we are and will be constantly alert to and be ready to take action against any person or group of persons whose special interests are contrary to this bill's purpose (94-142) of providing an opportunity for an adequate education to all handicappped people.

The promise of justice for all the citizens of the United States is the spark that gives life to the words "Human Rights".

We will always be ready and willing to participate in any meaningful effort to insure that the word justice is more than just a word.

Our position is not to criticize or justify any State or Federal program that is already established or that will be enacted in the future, but we will hold hardly back any positive action directed to the handicapped people of this Nation.

The application of Public Law 94-142 could be very unfair if proper public exposure is not made to reveal the human and economic resources available that are essential to make this program truly effective.

This, the International Year of the Child includes the handicapped child.

Thank you.

The Library of Congress
Congressional Research Service
Washington, D.C. 20540

(Translation - Spanish)

The problem of the handicapped child is still even more intense in the western area since our system of government is highly centralized, which has affected the socio-economic development of Mayaguez, the principal city in the western area. This can be clearly appreciated in the fact that approximately 15 years ago it was the third city in importance in Puerto Rico and it currently occupies the seventh position.

With respect to the groups of handicapped children between the ages of seven and fourteen currently served by the Department of Education, they are not evaluated annually by a multidisciplinary team and the individual work plan is prepared only by the teacher and this plan is limited to academic instruction. These children are offered no type of therapy. They are not offered an adapted program of physical education, or of manual arts.

The children with neurological or mental handicaps do not have a program of behavioral modification, nor do they receive occupational therapy to stimulate motor-perceptual development. There are no special services in neurology, psychiatry, psychology, or paramedic services, such as occupational therapy, physical education, etc.

The children handicapped in speaking do not receive therapy in speaking and there are many children with hearing handicaps who do not receive any type of instruction.

Extracurricular activities that stimulate creativity and foment socialization are minimal. In fact, the curriculum is limited to the purely academic tasks that the teacher offers.

There is a group of autistic children or those with other severe mental handicaps that are offered no type of education, or who are only visited by a traveling teacher for two hours a week. These children are not offered any programs for behavioral modification in which a multilingual team participates.

The most often used excuses of the Department of Education are the lack of funds and the difficulty in getting specialized staff. In our view, the main difficulty in attracting qualified staff comes from the poor economic incentives and those of another type offered to the trained personnel. In addition, the staff, even at the supervisory level in the department, is unaware of the stipulations of law 94-142, of section 504 and of the state legislation to that effect.

Public hearings in relation to the obtainment of ideas to prepare the annual state plan for special education are a formality. The printing of copies of the proposals is highly limited and only one or two copies are made available to the public for their examination, at the office of the superintendent one or two days before the date set for the public hearings. The state plan is not distributed among the persons or groups participating in the hearings, nor is there an opportunity for analysis and suggestions for modifications in the state plan before its approval.

The requests for administrative hearings before the Department of Education are refused both at the local and central level after the time set by law has passed. In fact, we do not know of even one case in which the Department of Education has held administrative hearings in individual cases of children not served or only partially served by the department.

At the same time, the Department of Consumer Affairs, which supposedly supervises the implementation of the law on special education, is rather an agent that perpetuates the status quo and is not a vigorous agency at the service of a group of helpless citizens who are denied their basic and elmentary rights, such as receiving an adequate education and the right to respect for their human dignity.

In a certain administrative sector a purely utilitarian criterion is also perceived with respect to the use of public funds, which is translated into indifference towards the special education program.

Some officials in the Department of Education, at the local level, have tried to coordinate with the Medical Center of Mayaguez (which is a regional hospital) with respect to the providing of related services that by law must be offered to these children, such as specialized medical services, therapy, etc. But the situation in the Department of Health is still more precarious. For example, mental health, the only service given the children, is administered by some type of medication. On the other hand, in the Pediatric Center, children are attended to only until they are 12 years old. At the present time, the list of children waiting to receive therapy in speaking is 400 to 500. There is no occupational therapist. The children with severe mental handicaps who require some type of therapy are given appointments that are so spread out that the parents are discouraged from requiring these services.

The violations of the law are not limited to substantive precepts, but rather also the precepts relative to the due process of the law are violated.

We are ready to submit to this honorable commission ample documented proof which sustains what is presented here. We very respectfully ask that an investigation be carried out. With respect to the problem of special education for the handicapped child in the western zone of Puerto Rico, you can send any type of questionnaire to the Asociación del Oeste Pro Desarrollo del Niño, Inc. This is an organization which is a non-profit one made up of parents of children with neurological and/or mental handicaps.

An additional point is that the Department of Education has spread the rumor that due to the attitude of demand for services on the part of the parents the federal funds have been confiscated, so that they cannot offer the services.

Asociación del Oeste Pro Desarrollo
del Niño
P.O. Box 2081
Mayaguez, P.R. 00708

Translated by Deanna Hammond
CRS Language Services Section
August 9, 1979

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(Translation - Spanish)

ASOCIACION DEL OESTE PRO DESARROLLO DEL NIÑO, INC.
Apartado 2081
Mayaguez, Puerto Rico 00708

PUBLIC HEARINGS TO CONSIDER THE STATE PLAN FOR 1979 OF PUBLIC LAW No. 94-142 TITLE VI, PART B

Day: Friday, November 17, 1978

Place: Government Center, Third Floor

TIme: 9:00 AM - 12:00 AM -1:00PM - 4:00 PM

Witnesses present and participating:

1. Heriberto Jusino - gave the testimony for the group, in which the services that our children lack were summarized. A copy of the testimony was left for the Dept. of Education and signed by the members of the Association who attended the public hearing.

In order of appearance the following persons spoke:

2. Doris Aponte
3. Luis Ortiz
4. Néstor E. Vega

These members explained the situation of their case in particular and the needs that they faced due to the lack of services such as Jusino had pointed out as group spokesman.

In addition, there was public criticism of the way in which the press announcement of the public hearing was formulated. They offered to give copies of the State Plan of 1979 to the public who requested them. But what they had in the offices was two copies of the 1978 State Plan and they did not lend them out. Thanks to the efforts of Jesús Alicea, Luis Ortiz and the young ladies Marga Villanueva and Nora Torres de Daco, it was possible to obtain a draft of the 1979 state plan one week before hand. This situation was the one responsible for the fact that most of the members of the association were unable to read said plan and unable to get prepared properly for the public hearing. [illegible]r this reason Mr. Néstor Vega asked Mrs. Bermúdez to allow u[illegible]o write and send to the Dept. of Education any recommendation or situation that it was not possible to explain with clarity at the public hearing.

From legal services Lic. Montalvo attended, who also made mention of the ineffectiveness of the announcement in the newspaper and who explained the parents' rights as overseers of the government services for their children. He explained that Legal Services could orient parents and defend the rights of children gratuitously.

November 17, 1978

The Asociación del Oeste Pro Desarrollo del Niño, Inc, is an organization made up of the parents of children with neurological and mental handicaps. We have organized because we feel that we are left out with respect to health and education services for the handicapped children in this area, in comparison with the health and education services that are offered in the metropolitan zone to children in the same condition.

We have studied the federal law, the island law, and the special education laws based on the law and prepared by the Department of Education. In spite of the fact that the ANnual Plan of the State Special Education Program seems comprehensive and complete it actually is not because it has not been possible to carry out many of its parts.

The law demands and the Plan promises priorities and deadlines for the provision of special education services. According to what the plan stated, "The first of September 1978 all handicapped children between the ages of 5 and 18 who still do not receive education will have available to them the appropriate free education."

The priorities to which the Plan refers are:

1. To offer services to the children who are not being served;
2. To identify within each handicap, the most severe cases that are receiving inadequate services and to provide an adequate education in the least restrictive surroundings.

During 1978 in Mayaguez the requirement of placing and evaluating the unserved children 5-18 years old was not complied with. In order to incorporate these children into the school we recommend the following services which up until now have been practically nonexistent.

1. Services of mental therapy and behavioral modification.
2. Continuing service in psychology
3. Occupational therapy service
4. Speaking therapy
5. Neurological services
6. Teachers' assistants
7. Adequate transportation since there are not special

special education services in every school.

In addition, we recommend:

That an evaluation and diagnostic team be established which includes a psychologist, psychiatrist, a social worker and neurologist if necessary. That on the basis of that evaluation an individual and adequate plan be made for each child.

That transition rooms be opened where they can be adapted to the school and where each child can be worked with according to the individual plan.

That a priority be established for them with the psychologist and that periodic evaluations be made to modify their individual plan according to changes that have occurred and that they be placed in other rooms if necessary.

That an alternative be sought for the severely affected children before lowering them in the schools.

The children with neurological and mental problems who are served have had the following problems:

1. Annual evaluations of them are not made; work is done on the basis of old evaluations.

2. They do not have programs of
   a-Physical Educatoin
   b-Music
   c-Art
   d-Vocational

3. Many rooms do not have teachers' aides
4. Extra-curricular activities are not encouraged

5. There are no services such as:
   a-Speaking therapy
   b-Occupational therapy
   c-Psychology
   d-Dental services

6. The children served who have years in school and who are 12 or more are not given the chance to keep on developing vocational abilities, nor those in artisanry, music and sports according to their capabilities.

This association has as its goal to see that the provisions of this law are carried out. That all of the physically and mentally handicapped children receive an education equal to that of other areas of the country. To make all humans aware that these children because of being unfortunate deserve better service, better treatment, better education, more opportunities to face life and above all greater human warmth.

The children of today will be the men of tomorrow. Help them.

Cordially,

Nestor Vega Soto
Steering Committee Chairman

Translated by Deanna Hammond
CRS Language Services Section
August 10, 1979

The following members of the group reacted to the testimonies:

5. Enid Soto
6. David Brunet
7. Pittie Vega

In addition, the following accompanied us:

8. Gladys Falú
9. Norma Segarra
10. Jesús Alicea
11. Olga Sosa
12. Yolanda Carbó

NEWS CLIPPING: Pro-Child Development Board Organized

Mayaguez. The board of the Asociación del Oeste Pro Desarrollo del Niño, Inc. was organized to fight to achieve all of the necessary health services and the special education to which are entitled, according to them, the neurologically and mentally handicapped children of the region.

The board includes the following: Chairman, Lic. Pedro Néstor Vega; vice-chairman, Heriberto Jusino; treasurer, Iván Sosa; Doris Aponte, secretary, and spokesmen: David Brunet, Luis ORtiz and Enid Soto.

The organization is made up of parents of children with cerebral palsy, mental retardation and epilepsy. Those interested can contact the group by calling 833-3824 or writing to Box 2081, Mayaguez.

Translated by Deanna Hammond
CRS Language Services Section
August 10, 1979

Senator **Stafford**. The Chair, on behalf of the subcommittee, will welcome the third and final panel for this morning. We don't know what order you all would like to proceed in, but the Chair will permit that to happen as you wish. The Chair is advised that one of the panelists, Mrs. Roberta Thomas, from Pennsylvania, is here, and on behalf of Senator Schweiker who is unavoidably elsewhere, Mrs. Thomas, I want you to know that he sends his special regards and welcome to you. Senator Schweiker has also asked me to note that Mr. George Hibbler of Pennsylvania is also in the room; he is a member of the Pennsylvania Advisory Panel for Special Education.

Mr. Hibbler, if you would raise your hand so we will know you are here. On behalf of Senator Schweiker and the rest of the subcommittee, we welcome you to attendance at these hearings; we are very glad you are here.

Mr. **Hibbler**. Thank you, Senator Stafford.

Senator **Stafford**. We also understand, Mrs. Thomas, that you have been a part of Gallaudet's learning vacation system.

Mrs. **Thomas**. I was in that program last year. This year I was attending courses, with my daughter, Amanda, and my deaf child was attending a day camp for deaf children.

Senator **Stafford**. All right, now, we will invite the panel to go ahead in whichever order you wish, and I might say that in our recognition of Mrs. Thomas we don't mean to downplay the other two important members of this panel. I personally extend a very warm welcome and the appreciation of the subcommittee for you coming here.

## STATEMENTS OF ROBERTA THOMAS, GLADWYNE, PA.; JANE WOLFE, JACKSON, TENN.; AND SYLVIA EVANS, BROOKLYN, N.Y.

Mrs. **Thomas**. My name is Roberta Thomas and I live in the Commonwealth of Pennsylvania. I am the mother of a profoundly deaf child who is 3 years and 9 months old. I am here today to speak for myself and for other parents of deaf children who have been consistently frustrated by the Pennsylvania department of education's rigid, unjust, and often destructive interpretation of Public Law 94-142 regarding the least restrictive environment and the educational placement of handicapped children, particularly deaf children—an interpretation which the department insists is mandated by Public Law 94-142. I am speaking today also for my son, Jesse, and for all the other Jesses who are not here today to speak for themselves.

In Pennsylvania, though the State denies this, in health, the appropriateness of an educational program is essentially determined in advance by the State department of education, with little reference to the specific requirements of any individual child. In most cases, the handicapped child is placed in the local intermediate unit program which makes the placement decision and invariably chooses itself. "Appropriate program" becomes a synonym for "local program." The only right we parents have is the right to agree with the decision of the local intermediate unit!

Although the power of the local intermediate unit has been frequently challenged in the due process procedures specified by

Public Law 94-142, these challenges have never been successful with regard to deaf children.

The position taken by the bureau of special education and the local intermediate units is that the most appropriate placement for deaf children is the placement which most closely approximates mainstreaming. On June 15, 1978, Mr. Makuch, director of the bureau of special education, issued a directive to all intermediate unit directors. On the basis of this directive the education law center in Philadelphia published a booklet in which school placements are ranked in order of preference. Mainstreaming is ranked first, and the approved private or State school—which includes all center schools for the deaf—is ranked last, and considered the placement of last resort, the least desirable placement. Mr. Makuch calls these facilities segregated facilities and he directs the intermediate unit to approve such a placement only if no other placement is possible. One wonders if Mr. Makuch considers this least desirable placement only appropriate for the least desirable children.

The bureau of special education maintains that this rigid and insensitive ranking system is decided by law, evidently by Public Law 94-142. In the document that I have handed you labeled "2," we see the case of a child who was removed from the Pennsylvania School for the Deaf, where he had been successfully functioning for several years, to a self-contained classroom because the State says that his removal is mandated by Public Law 94-142. It says in this document "Federal legislation clearly mandates us to place the child in the least restrictive environment." "Least restrictive environment" here is used as a synonym for "mainstreaming." This document illustrates that in Pennsylvania it is now considered clearly established that Public Law 94-142 "least restrictive environment" clause mandates mainstreaming and prohibits placement in a school for the deaf. To the authorities in Pennsylvania there is no question that least restrictive environment always means the school placement closest to mainstreaming. We have, therefore, in Pennsylvania, the ludicrous situation of having schools for the deaf which no child can legally enter, and a situation where parental input and preference are wantonly disregarded. There is no other State where this is the case.

It is my view that to interpret Public Law 94-142 as a mandate for mainstreaming violates the intention of that law. Rather, Public Law 94-142 was intended to insure an appropriate education for all handicapped children. Anyone who is sensitive to the needs of handicapped children knows that what constitutes the least restrictive environment for one child might well constitute the most restrictive environment for another. The least restrictive environment interpretation by the bureau of special education reflects in particular a very poor understanding of deafness and the needs of deaf children. The policy reflects also almost no participation whatever from the consumer, the deaf adult, whose most relevant perspective is entirely ignored by those who make decisions for the future of our deaf children. My child's future is in fact in the hands of hearing administrators who by the positions they take demonstrate they do not understand my child's handicap at all.

I believe that if deafness were really understood by those who decide our deaf children's educational future, we parents would have little difficulty in placing our children appropriately.

My son, Jesse, is a normal child who is, in fact, exceptionally able. On a language test standardized on norms for hearing children, he tested to have the language achievement of a hearing child of 5 years and 9 months old. And he is three years and nine months old. This is truly remarkable for a prelingually deaf child who has not had the opportunity to hear his native tongue from the moment of his birth. But to recognize that Jesse is normal by no means suggests that he should be mainstreamed. Jesse's normal needs and special abilities must be met with sensitivity to his deafness.

Jesse cannot hear and cannot speak. He has, statistically, only a 4-percent chance of learning to speak coherently and understand speech. In a hearing environment, Jesse understands nothing of what is happening around him. Unless everyone knows sign language, he is deprived of any social interaction of any kind. When Jesse is an adult, he will become a member of the deaf community. Jesse will only function in the hearing world through the use of an interpreter. These are the facts. No amount of mainstreaming can change this.

Imagine that you and your family are in a foreign country and cannot learn the language. You would naturally seek the company of those who spoke your language. You would naturally want your children to be educated with others like themselves, so that they could communicate easily and participate on an equal footing with their peers. It is, after all, reasonable for Jesse to want to spend most of his time in an environment where he can communicate.

It is sentimental and cruel to suppose that by throwing Jesse into a self-contained classroom in a hearing school, he will be integrated into the larger culture. Such a placement will, on the contrary, further isolate him by providing only a severely restricted environment in which he can interact. This so-called integrated environment can damage him psychologically and emotionally by making him aware of his "difference." Will the Commonwealth of Pennsylvania sacrifice Jesse's integrated personality for an integrated school? As a psychologically healthy human being, Jesse has a far better chance of becoming part of our hearing world.

The fact is that in a self-contained classroom for the deaf in a hearing school—often the only such classroom in the school—a deaf child is in no way integrated into that school. He understands nothing of what is happening around him. He can in no way interact with all the people or participate in all the activities that are available to the hearing child. He cannot communicate with other teachers, with other children, with the librarian, the maintenance man, the dietitian—no one, because they do not know sign language. He is cruelly segregated within an integrated environment. It is absurd to assume that proximity is integration.

I would like to draw your attention here to the document labelled "3." I think if you read this document you will understand how desperate and alarming the situation can be in a self-contained classroom.

You will see 12 requests by parents for inclusion in the IEP for a child who is being sent against the parent's will to an intermediate unit program—one deaf classroom in an all hearing school.

The responses to these requests made by the intermediate unit can only be described as barbaric. The intermediate unit refuses to provide the essential services that would help the child become integrated into a hearing school. At one point, they make the incredible assertion that to provide these services—which include teachers who know sign language, participation in school activities, auditory systems, religious instruction in sign, in other words, essential services—would be "catering to the handicapped" and that the child would therefore not be "used to" functioning in the hearing world.

This intermediate unit has the audacious ignorance to tell the parents that their profoundly deaf child should be made ready for the hearing world by being in an environment where he understands nothing and can participate in nothing. They are actually advocating the isolation of a deaf child for his own good!

I ask you, Senators, what can a deaf child, deprived of language, communication, and interaction learn in such a situation? How can a child not be profoundly damaged by such isolation? How can anyone call this an integrated education and an appropriate placement for a child who cannot hear, who cannot speak, and who cannot communicate without sign language?

I suggest that it is a travesty to call such integration the intent of Public Law 94-142.

A center school for the deaf, like the Pennsylvania School for the Deaf, can offer my son an academic education with a program that is continuous and develops year after year. Different isolated classrooms, often in different schools each year, cannot provide him with a quality education.

A child who goes to a hearing school can belong to clubs and sports teams. He can have a special art teacher and gym teacher. He can have lots of friends, and go to parties and dances. His time when he is not in the classroom and not at home, is not isolated and alone. My Jesse has a right to this same wide and various life, and he can only get this at a center school like PSD.

But perhaps just as important, Jesse needs a school for the deaf because at such a school Jesse can belong. He won't be an outsider, part of a small group of children who are different. At a school for the deaf, Jesse can be the normal child he is. He will see and communicate with deaf children of all ages, and not just the few children in his group. He will be able to communicate with other teachers and with all of the staff, because they know sign language. And because a center school is a center for the deaf community, he will see and interact with deaf adults. At school he can see successful deaf adults in positions of authority. He needs these models so that he can grow up believing that he, too, can become a successful citizen, both personally and professionally, in the adult world.

My Jesse is a wonderful human being who cannot hear. Jesse, and all our deaf children, have the same abilities, the same needs, and the same rights hearing children have. Only a school for the deaf can offer Jesse the chance to grow and thrive as a whole human being.

There are a variety of programs available in Pennsylvania—I am not asking to create new ones. I am not suggesting that all deaf children require the same education at every stage of their development. I am only asking that all these programs be equally accessible. I am only asking for the right to place my child in the program which I believe speaks most appropriately to his present specific needs.

Children like Jesse are handicapped because they are deaf. Let me assure you that Jesse's handicap is not nearly as severe as the handicap that the Commonwealth of Pennsylvania has added to his deafness by denying him the education which is his human and civil right. Such an education is the promise and the hope of Public Law 94-142. Please do not let Pennsylvania betray that promise and shatter that hope.

Thank you very much.

Senator **Stafford**. Thank you, Mrs. Thomas. The subcommittee will now be glad to hear either Mrs. Wolfe or Mrs. Evans.

Mrs. **Wolfe**. Mr. Chairman, and members of the committee, my name is Jane Wolfe. I am from Jackson, Tenn., and I am the parent of a learning-disabled child. I would like to take a few minutes to tell you of my feelings about Public Law 94-142 and also to tell you about my experiences in trying to get appropriate educational services for my child and for other children whose parents I have worked with.

First let me say that I feel that Public Law 94-142 is a good law and is much needed. Without it there would be very little legal base for myself and other parents of handicapped children in our efforts to get appropriate educational services for our children. I would not change the law but I would find better ways of monitoring how it is implemented. This is because even though I sincerely wish that school systems would do the right thing for youngsters it does not seem to work that way. The law has to be enforced before the children can benefit from it.

Now, if I may, let me tell you of some of my own experiences. Although my own daughter was first diagnosed as being learning-disabled a little over 10 years ago the struggle to find a way to meet her special needs has persisted. She is now 17 years old and will begin this coming school year at a public high school in Jackson, Tenn. Despite the understanding of her teachers she still failed three subjects this past year. Now I ask you: What happens to a child who falls behind or fails and never quite makes it? I can tell you that unless the school system develops a program that will enable that child to meet with some sort of success, then you have a potential dropout or someone who finds a way to succeed outside the law and get even with society for the way he was treated in school.

Until 1 year ago I did not allow my child to be placed in the local school system because the disadvantages far outweighed the advantages. To put it simply—there was nothing available. The only special education available to her is a study-hall-type resource room for 1 hour a day where she attends high school. This is only a tutoring of her regular subjects and does not provide her with the

1-to-1 remedial work she needs. There is no liaison between her regular classroom teacher and her resource teacher to coordinate their efforts. There is no appropriate career education. The school system does not pay for the extra tutoring which she needs after school. There is no monitoring of her progress by the guidance counselor. There is no social worker. The principal will not allow handicapped students into vocational programs. There is no supervised on-the-job training which my daughter desperately needs.

As a result of this lack of appropriate education my daughter has tried and failed in three part-time jobs in the last year. She is ineligible for extracurricular activities due to her grades which are a direct result of the completely inadequate education which she receives in the public schools and the way in which she is discriminated against. What will she be able to do when she finishes high school? How will she be able to become a productive member of society or receive the benefits of equal opportunity if she cannot get an education?

Let me tell you of two other situations which demonstrate the frustrations which parents and children must deal with and the results of those frustrations. One involves a learning-disabled child who was 15 years old. For years his parents were told that his failing grades were the result of not caring about schoolwork or being hyperactive and disruptive. He fell several years behind his peers and was refused special programing even after he was diagnosed as learning-disabled. He came to feel himself to be a failure. When an appropriate program was set up the superintendent told the parents he could not be in that program because his parents did not live in the right school district. He was placed back in the program where he had failed up to this point. On December 13, 1978, he took a pistol, lay down on a ditch bank behind his house, and shot himself. All the school system could say in response was that they had done the best they could within their limited resources. If only this child could have received an appropriate education that the law calls for and he could have been convinced that he had worth, he would be alive today.

The other situation in which I was involved concerned a 16-year-old retarded boy who needed a prevocational program. The parents tried for 2 years to get an appropriate program for their child and were not successful even after the intervention of the State department of education's right-to-education officer. In the last meeting before the due-process hearing the school system produced records of a personal nature about the child which they had been keeping for 2 years without the knowledge of the parents. At this meeting the school threatened to release this highly embarassing information to the newspapers if the parents did not agree to an inappropriate placement. At the hearing the school introduced testimony from 15 witnesses about how much of a behavior problem the child was, what a danger he was to other students and how disruptive he was. They did not call to the stand the homebound teacher who told of all the child's skills and his ability to work with machinery safely. Finally, the hearing ordered an appropriate educational placement, but it took these parents almost 2½ years of unstinting effort, harassment and embarrassment to get what the law says their child is entitled to. As I said before, Public Law 94-142 is a good law but a great deal more monitoring of local systems is necessary to get them to live up to their obligations. And the appropriations for the law need to equal the authorized level.

The only way that handicapped children will be able to be accepted into society and become productive citizens is if they get appropriate education in a situation as close to their peers as possible, so that their peers grow up with them and come to accept them. But we are a long way from providing an appropriate education in the least restrictive alternative that the law calls for. And we are a long way from public acceptance which enforcement of the law would eventually lead to. I will never forget the statement made by one of our State legislators a few years ago when he called the handicapped a burden to the State. I say to you that they are not a burden but an opportunity for us to live to the American goal of human dignity and equal opportunity for all. But we will not be able to reach this goal as long as citizens and educators ask why mentally retarded children should be allowed to go to school with normal children or resent having to take the time or trouble to adjust their way of thinking or of running their classroom. And they will not be able to do this until the teacher training which the law requires is provided. Nor will we be able to do this until teachers are encouraged by school administrators to write adequate individual educational programs and are told that the school will support them in their efforts to get innovative programing for handicapped children. There must be support for teachers. The only way this support will come is if it is made very clear from Washington that the Federal Government supports this program which it created and intends that its mandates be carried out.

In closing let me say that I appreciate the opportunity to be here today. I appreciate the opportunity to try to bring about more effective enforcement of this law just as I appreciate the opportunity which the law gives me to participate as an equal member in the development of my child's program. I only wish that the law were monitored and enforced so that the opportunity which it creates could become a reality. We owe this much to our children.

Senator **Stafford**. Thank you, Mrs. Wolfe. Now we would be glad to hear from Mrs. Evans.

Mrs. **Evans**. My name is Sylvia Monroe Evans. I live in the Bedford-Stuyvesant section of Brooklyn, U.S.A.

I am a community-minded person serving my church, my neighborhood and attempting concerned involvement in the greater Brooklyn community. I am a member of the First African Methodist Episcopal Zion Church, the Neighborhood Black Association, the Community Planning Board, the Advocates for Children Parents Advisory Board, the Order of the Eastern Star, the American Postal Workers Union, Union Women, and have commitments to many other worthwhile organizations.

For the past 19½ years I have made a career in the U.S. Postal Service, working with the postal women's program and other work-related programs.

I am also the mother of two handicapped children. My oldest son, John Anthony Evans, is a 19-year-old retarded young man who cannot speak and is presently in residential care at the American Institute of Mental Studies in Vineland, N.J.

My youngest son, Rodney, is a 16-year-old high school student who last attended a class for the emotionally handicapped at George Wingate High School, Brooklyn, N.Y. My children's special problems and special needs have certainly served as a driving force to cause more and more involvement on my part in special education for the handicapped.

The individualized education plan. The IEP, meaning the individualized education program, might better be called the inept evaluation process. I say this in all sincerity because before any sensible individualized plan can be formulated for a child, a complete and thorough evaluation must be conducted. Sadly enough, this is usually not the case.

New York State law mandates that each school district have a committee on the handicapped and specifically spells out the persons that should comprise this body. The committee is charged with evaluating youngsters who may have a handicapping condition and providing them with a special education program appropriate to their needs. The New York City Board of Education has appointed subcommittees to perform this function that are coterminous with the school districts. Until September of 1978, my home district did not have a committee and youngsters had to be shuttled to neighboring districts for evaluation. These evaluations—with the exception of one—were commenced and concluded in one rushed morning. The child was hurried from one section to another in 45-minute spans. After this arduous 3- and 4-hour process, the parent was given the evaluation and recommendation for the child. My son was evaluated on four different occasions by four different committees. Each committee characterized the recommendations of the preceding committee as: 1. Misinformed, 2. inaccurate, or 3. failed to touch upon the main problems of the child and so on, ad infinitum.

In preparing this testimony, I spent a morning reviewing all of the evaluations and individualized education programs I have collected over the years. It may interest you to know that my child has been labelled in four different categories. A school psychologist, who has tested my son in three different programs, has submitted three differing synopses of his condition, all within a span of 7 years. I can't help but wonder if I am living with a youngster who is suffering with a "Three Faces of Eve" syndrome or maybe just a plain Dr. Jekyll and Mr. Hyde. Under such circumstances, I ask you if a meaningful IEP can be formulated. But I certainly have had experience with IEP's.

IEP's, as I have known them, are little more than a formality required by the law. They are as varied as the evaluations upon which they are evidently based. For IEP's to be effective, we must examine the evaluation process. Parents need to know that they need not place their child in special education programs if they feel that it is not appropriate.

My son was evaluated in April 1978 and recommended for a class for the emotionally handicapped commencing in September of 1978. Prior to this he had been classified as neurologically impaired. Within 1 month of entering the class for the emotionally handicapped I was, yet again, informed that he was not properly placed.

And thus began the last chapter of the saga that is more or less responsible for my appearance here today.

I was called to the school and informed that my son could not meet the goals of his IEP and should be sent to yet another school. Shortly after I refused to transfer my son pending a complete private evaluation, my son was suspended from his school for behavior that was a manifestation of his handicap.

He fell victim to one of the worst ploys to deny a handicapped child his rights spelled out in such clear language under Public Law 94-142. My son was suspended from school for his failure to remain in the classroom for extended durations. Yet his IEP stated, as a goal, that my son would be able to remain at his desk for one full class period. The school suspended my son for its own failure to implement his IEP. The school did everything in its power to bar my son's readmittance. It was only after I first went to a suspension hearing for which I sought and received legal representation from Advocates for Children of New York, second, in conjunction with Advocates for Children, submitted a formal appeal to the chancellor of the city school system, and third, threatened to go into Federal court to vindicate my son's rights that he was allowed to return to his school.

So while my son did have an IEP, he was actually suspended from school based on their failure to achieve its goals. If we are to have IEP's, and we must, they must be more than pro forma, and taken seriously by all involved in the education of the handicapped. And it must be remembered that the effectiveness of the IEP is dependent upon sufficiency and accuracy of the evaluation.

## THE LEAST RESTRICTIVE ENVIRONMENT

The least restrictive environment section of Public Law 94-142 should, in reality, be the answer to the silent prayers of the parents of every child needing special education. Only the mother of the handicapped child knows the anguish of trying to answer with straight face and dry eyes the innocent inquiry of the special child who asks "Mommie, why can't I go to the same school as everyone else?" The first thing the parent of a special child learns to do is to lie, and by telling this lie to attempt to cushion the hard blows of reality that are, perhaps in time, inevitable.

The least restrictive environment provision has on the surface eliminated, in most instances, the need for the lie. But let us look at the least restrictive environment, a concept intended to integrate or "mainstream," as the educators like to say, the special child into the regular grades wherever appropriate.

The least restrictive provision, a provision which has little or no real meaning in New York City, usually takes the following forms:

One, a few segregated classrooms located next to one another usually in close proximity of the dean's or principal's office.

Two, classrooms that were previously used as shops, storage space, et cetera, being assigned to special education.

Three, special education classrooms bunched together rather than randomly placed throughout the school building.

My two children have, between them, had special classes in nine different public schools. I would venture to say in only two schools did I find an exception to these general rules. Those two schools, incidentally, seemed to me to be the only two schools that made a most concerted effort toward successfully achieving the intended goals. A special education program's success or failure often reflects the attitude of the administrators of the school, an attitude that stems from the principal on downward. If the administrators are open-minded toward the special education of the child and his needs for acceptance and equal opportunity for education, then the programs tend to prosper, and the children seem to thrive. If the administrators' attitudes are at best efforts of tolerance and minimal compliance with the law, the special education programs reflect that also and the child senses that he is not fully considered a part of the school. The indifferent administrator usually does not have the certification for special education, and views the child at best as a necessary nuisance or an interrupter into an otherwise good school system.

Every school administrator and administrative staff member needs to be re-educated to the age-old Scriptural quotation of "Suffer little children to come unto me and forbid them not." The assistant principal who initiated the suspension against my child testified before an impartial officer that:

1. He had no certification for special education.
2. He would, in fact, suspend from school any child who did not adhere to school policy, who did not get along well with his peers and teachers, and who had disruptive behavior regardless of the child's handicap.

He did not, incidentally, clarify just what he considered disruptive behavior. When asked if he would suspend a blind child because he could not read the blackboard, he declined to enumerate any further, or to offer any further insight into his statement.

Just as the child is excluded, the parent is excluded from the PTA or other parent involvement programs. You may join, of course, but you are soon informed that your problems are not theirs and you are not overly welcomed to this elite circle.

Am I saying then that least restrictive environment is not in the best interest of the handicapped child? No, I am not, but what I am saying is that there is a great need for public education toward the handicapped child. Parents need a greater awareness of their children's rights.

The materials that are supposed to inform parents of their rights are, as a rule, badly mimeographed and hastily explained by the school. New York State publishes an excellent synopsis of one's right under the law, yet as a rule this pamphlet is not distributed to parents. I received my copy from Advocates for Children.

The average parent of the handicapped child actually thinks that they must accept placement wherever offered; that they have little or no recourse; and that the public school is doing them a favor in teaching their child in any environment whatsoever. No matter what the school systems say, I say the handicapped child must not be denied as complete an integration into the mainstream, as appropriate to his needs, rather than place him according to the needs of those mandated to serve him.

Schools must be made to comply with integration or mainstreaming of the handicapped child wherever and whenever possible. I can think of no intelligent reason why an emotionally handicapped or neurologically impaired boy or girl cannot play basketball or participate in dance sessions or singing sessions with the brightest of students. It's a rare school where this is encouraged.

My feeling is that the handicapped child should not be socially removed from his normal peer. For years I have watched with special interest the development of two youngsters--one my son, who at different times has been classified as brain injured, neurologically impaired, or emotionally handicapped, and is presently in an 11th grade class for the emotionally handicapped, and the other my baby sister, who is not handicapped and of above average intelligence, and just graduated from Brooklyn Tech High School, which we all know is one of the country's finest schools. Yet there are definite parallels not only between these two youngsters but also between all youngsters in the neighborhood whether or not they are handicapped. These include: 1. They all want to stay out late; 2. they all want to smoke cigarettes; and 3. they all play music loud enough to deafen any person over 30 years of age.

This tells me that in certain areas all kids are the same. It tells me that the handicapped child must experience mainstreaming if he is to function in our society. It tells me that he must learn at an early age there are other people in his world. How then can this be achieved unless least restrictive environment is mandated and meaningfully effected in our schools?

In conclusion, I would like to say that I have had the opportunity to read Public Law 94-142 and feel with all sincerity it is, without a doubt, the finest law ever legislated to protect and insure education for the handicapped. However, laws, no matter how well written, are no better than the applied interpretation.

Public Law 94-142 must not be allowed to have superficial application which will do little more than placate public concern on education of the handicapped. The law must be monitored, the law can work and the law must work. For if we do not insure education for the handicapped, very shortly we cease to insure education for the nonhandicapped and shortly after that we will cease to insure education. As a parent, as a citizen, I am concerned and committed to the impartial application of Public Law 94-142. My commitment toward this goal is unending. I can best express this commitment in the words of Robert Frost: "For I have promises to keep, and miles to go before I sleep, and miles to go before I sleep."

Thank you.

Senator STAFFORD. Thank you very much, Mrs. Evans, for your excellent testimony. All of the testimony, the Chair thinks, has been very helpful to this subcommittee in understanding our problems in implementing Public Law 94-142. We are particularly grateful, and I think the Nation should be, to all of the panels that have appeared in front of this subcommittee thus far this year, since all of them have come to these hearings on their own time and at their own expense as a contribution toward the better implementation of this important law.

So we are very grateful to all of you, and the Nation should be.

[The prepared statements of Mrs. Thomas, Mrs. Wolfe, Mrs. Evans, and additional material supplied for the record follows:]

July 31, 1979

Roberta Thomas
1013 Barr Lane
Gladwyne, Pa 19035

Written Testimony - Senate Subcommitte on the Handicapped

My name is Roberta Thomas and I live in the Commonwealth of Pennsylvania. I am the mother of a profoundly deaf child who is three years and nine months old. I am here today to speak for myself and for other parents of deaf children, who have been consistently frustrated by the Pennsylvania Dept. of Education's rigid, unjust, and often destructive interpretation of PL 94-142 with regard to the "least restrictive environment" and the educational placement of deaf children, an interpretation which they insist is decided by law. I am speaking today also for my son Jesse and for all the other Jesses who are not here today and cannot speak for themselves.

Although PL 94-142 is subject to interpretation like any law, the intention of this law is very clear. Pl 94-142 insures a free appropriate education to all handicapped children, and provides parents, and when appropriate, the child himself the opportunity to be actively involved in determining this placement. Although the Dept. of Education maintains that such negotiation is possible in Pennsylvania, and that no child should be placed by category, this is simply not the case. The appropriateness of an educational program is in fact decided in advance by the State Dept. of Education with little reference to the specific requirements of any individual child, and parents have no real choice whatever in this decision. In most cases, the handicapped child is placed in the local program provided by the local Intermediate Unit. The I. U. really makes the decision and invariably chooses itself. Appropriate Program becomes no more than a synonym for local program. The wishes of the parent and the individual needs of the children are wantonly disregarded. The only right we parents have is the right to agree with the local Intermediate Unit.

Although the power of the local I.U. has been frequently challenged in the Due Process procedures specified by PL 94-142, these challenges have NEVER been successful with regard to deaf children because of the position taken by the Pa Bureau of Special Education.

On June 15, 1979, 1978, Mr. Makuch, the Director of Special Education in Pa., issued a Directive to all Intermediate Unit Directors. In this Directive, he states that the placement which most approximates Mainstreaming is the best placement, and that the approved private or state school (such as the Pennsylvania Schol for the Deaf) represents the least desirable placement. On the basis of this Directive, The Education Law Center in Philadelphia published a booklet in which placements are ranked according to desireability. Mainstreaming is ranked first. The approved state or private school ( which includes schools for the deaf) are ranked last and considered the placement of last resort, the least desireable placement for a deaf child. The Bureau of Special Education maintains that this ranking system is mandated by PL 94-142

Mr Makuch calls schools for the deaf "segregated" facilities and he directs the I U to approve such a placement only if no other placement is possible. Since other placements are always possible, no child is approved for a center school. If the school for the deaf accepts a child without approval, the state penalizes the school in funding. We have, therefore, in Pennsylvania the ludicrous situation of having schools for the deaf which no child can legally enter.

It is my view that to interpret PL 94-142 as a Mainstreaming law, violates the intention of that law. PL 94-142 was intended to help parents of handicapped mainstream their children if they thought it was appropriate, and this was often impossible before PL 94-142. But in no way was PL 94-142 supposed to be interpreted to suggest that Mainstreaming was always the preferred placement. Rather, PL 94-142 was meant to insure an appropriate education for all handicapped children. Anyone who is sensitive to the needs of handicapped children knows that what constitutes the "least restrictive environment for one child might well constitute the most restrictive environment for another

The "least restrictive environment " interpretation by the Bureau of Special Education reflects, in particular, a very poor understanding of deafness and the needs of deaf children. This policy reflects also almost no participation whatever from the consumer, the deaf adult, whose most relevant perspective is entirely ignored by those who make decisions for the future of our deaf children. My child's future, is, in fact, in the hands of hearing administrators who by the positions they take, demonstrate that they do not understand my child's handicap at all.

I keep hearing that if Jesse attends a school for the deaf, he will not be able to be integrated into our culture. A lobbyist for Mainstreaming ( who is actually employed by the Education Law Center in Philadelphia) told me that she wanted to see Jesse working beside her when he was an adult - that he could not take his place in the hearing world if he is not mainstreamed. She added that she would work endlessly to prevent Jesse and others like Jesse from attending the school for the deaf. This attitude reflects ignorance of deafness.

My son Jesse is a normal child who cannot hear. He has the same needs, the same capabilities, and the same rights as a hearing child. He is actually exceptionally able. On a language development test standardized on norms for hearing children, he tested to have the language ability and achievement of a hearing child of 5 yrs. 9 mos. old. This is remarkable for a born deaf child. He is capable of unlimited educational achievement because of his language ability and because he is developing normally.

But to recognise that Jesse is a normal child by no means suggests that he should be mainstreamed. Because he is deaf, his needs, capabilities, and rights must be met with a sensitive understanding of his handicapp.

Jesse cannot speak and cannot hear. As a profoundly deaf child, he has, statistically only a 4% chance of learning to speak coherently and learning to understand human speech. When Jesse is in a hearing environment, HE KNOWS NOTHING OF WHAT IS HAPPENING AROUND HIM, unless it is interpreted in sign language. And no interpreter can possibly make available to him all that surrounds a hearing child in the hearing world. Deafness, is, by its very nature, isolating. A deaf child's education must provide every opportunity to minimize this isolation. Only when Jesse is in an environment where he can communicate and interact with a great variety of people, thorugh sign, is this environment "normal" or the "least restrictive environment." And this will be true for Jesse for the rest of his life.

Deafness is irreversible. It can't be overcome. When Jesse is an adult, he will be a member of the deaf community. It is absurd to imagine that he would want to spend most of his life with people that he couldn't communicate with. Without an interpreter, most deaf adults are utterly lost in the adult hearing world. When Jesse is grown, he will n ot be able to work alongside other professionals in a hearing environment unless they learn sign language, provide an interpreter, or are willing to communicate in writing at all times.

Imagine that you and your family are in a foreign country and CANNOT learn the language. You would naturally seek the company of those who spoke your language. You would naturally want you children to be educated with others like himself so that he could communicate easily and participate on an equal footing with his peers.

Such is the case with deaf people, and no amount of Mainstreaming can change this. To help Jesse and other deaf citizens, our society must provide more interpreting services so that the deaf can participate in the larger culture. To help by son become integrated in our culture by throwing him into a world that he can't understand and that can't understand him is sentimental nonsense with profoundly serious psychological and educational consequences for him.

Jesse can only grow normally if he is in an environment that is normal for him. I firmly believe that Jesse can develop his capabilities and become integrated emotionally and psychologically, if all that is available to a hearing child is available to him. In fact, his best chance of being part of our larger culture depends upon his continuing to grow normally , to be well-educated, and to have a strong sense of being a whole and valuable human being.

Jesse can become a productive citizen both personally and professionally, if he is educated with children who are also deaf. This will provide him with an environment where he can have enriching interactions, good adult models, a large community to interact with, an appropriate academic education, and counseling. And all this can only happen if Jesse attends a school for the deaf.

The Intermediate Unit in my county ( and others) recommends the self-contained classroom for non oral deaf children like Jesse, as the most appropriate educational placement. The Bureau of Special Education and the local Intermediate Unit concur that the self-contained classroom program, which is sponsered by the I.U., represents the "least restrictive environment" because the self-contained classroom is housed in a hearing school. This definition of "least restricitive environment is inappropriate. The self-contained classroom offers my son and other deaf children, an extremely segregated education in the most restrictive environment.

The self-contained classroom, which is usually the only such classroom in the school, has about 5 to 7 children in a class. Invariably, the child is in a different school every year. Because the children in any given group may have very different language ability, there is a very small amount of peer interaction, if any. And since there are so few children at any given age level, there is no opportunity for homogeneous grouping.

No I.U. has any real relation with deaf adults. The deaf children never see any deaf adults and have no models to give them a sense of pride, identity, and personal integration. The children, in fact, rarely see any other deaf children since each self-contained classroom is usually housed in a different hearing school. Interaction of any kind is limited. And the academic program has no continuity because of all this movement.

When the deaf children go to the cafeteria, they sit apart, at a separate table. When they go to the gym, the library, anywhere in the school, they are alone. They cannot communicate with other teachers, other children, sports coaches, dieticians, maintenance men - with anyone who doesn't know sign language. To call this isolation, "integration" is a sham and a farce. This "integrated" environment will deny Jesse an integrated personality

A center school for the deaf, such as the Pennsylvania School for the deaf (located about twenty minutes from our home) will not isolate my son.

A center school for the deaf can offer my son a quality academic education that develops year after year in the the same facility in a program that is continuous.

At a school for the deaf, my Jesse can belong to clubs and sports teams. He can have a special art teacher and gym teacher. He can know and interact with many many children and not just those in his own small group. He can really use the library, because the librarian will sign. He can to parties and dances. His school time outside of the classroom will not be isolated and alone.

He will be inundated with language which he desperately needs in order for his intellectual potential to develop. He will be inundated with people which he desperately needs in order for his social and emotional growth to be normal.

Jesse has a right to this same wide and various life that all hearing children have in their school, And he will have this at a school for the deaf because everyone uses sign language.

Because a school for the deaf is a center for the deaf community, Jesse will see and interact with deaf adults. At school, he can see deaf adults in positions of authority. He NEEDS these models so that he can grow up believing that he too can become a successful citizen, both personally and professionally.

But perhaps, just as important, Jesse and others like him need a school for the deaf because at a school for the deaf, Jesse can belong. He won't be an outsider, part of a small group of children who are "different." At a center school, Jesse can be the normal child he is

My Jesse is a whole and wonderful human being who is deaf. A center school offers Jesse the chance to be a child, not just a deaf child. It offers my son the chance to grow and thrive as a whole human being.

In a letter to me, Mr. Severns, of the Bureau of Special Education described the school for the deaf as the placement to be utilized, ". . . only if need be." I take great exception to this statement. It implies that the school for the deaf is a placement only appropriate for a child who is somehow less able, the failure, the child who CANNOT be mainstreamed rather than the child who SHOULD NOT be mainstreamed. Perhaps Mr. Severns believes that this least desireable placement should be kept open for least desireable children! I deeply resent these implications. My son is not a failure. He has the capability of becoming anything, if only Pennsylvania will let him!

In a recent court case,( the Fitz case) a family was denied the opportunity to enroll their 16 year old son at a school for the deaf, despite the boy's ardent desire to be there. As a result of this decision in Commonwealth court, parenss must prove the inappropriateness of a local Intermediate Unit program if they wish to enroll their child in a center school. How can parents present such a proof to administrators who have an entirely opposing view of what constitutes an appropriate program? Due process cannot help us at all if the results are determined in advance .

I would like to acknowledge that there may be a time in the future when Jesse can, with an interpreter, spend part of his day in a hearing school. A good school for the deaf will always provide these opportunities. It is important to recognize that every deaf child is different, and that not all deaf children need the same education at all stages of their development. The point is that a variety of options should always be easily available

There are a variety of programs for deaf children in Pennsylvania. I am not asking to create new ones. I am not suggesting that all deaf children require the same education . I am only asking that all these programs be equally accessible. I am only asking for the right to place my child in the program which I believe speaks most appropriately to his specific needs.

Children like Jesse are handicapped because they are deaf. Let me assure you that Jesse's handicap is not nearly as severe as the handicap that the Commonwealth of Pennsylvania has added to his deafness by denying him the education which is his human and civil right. Such an education is the promise and hope of PL 94-142. Please do not let Pennsylvania betray that promise and shatter that hope.

Thank you very much

Roberta [illegible]
1013 Barn Lane
Gladwyne, Pa 19035

Roberta Baron

COMMONWEALTH OF PENNSYLVANIA
June 15, 1978

#1

JUN 1 5 1978

SUBJECT: Least Restrictive Environment Requirements

TO: Intermediate Unit Executive Directors
Intermediate Unit Special Education Directors
School District Superintendents
Approved Private Schools

FROM: Gary J. Makuch Gary J. Makuch

## REQUIREMENTS

The concept of the "least restrictive environment" was officially reemphasized in Pennsylvania in the consent agreement between the Commonwealth and the Pennsylvania Association for Retarded Children. In subsequent years, the State Board of Education addressed this issue in the form of regulations - Title 22, Chapter 13, Section 13.11(d) - that clearly mandate the priority order of placement of exceptional school-aged persons in appropriate programs. The State Board of Education intends that assignments be based on individual needs of children and that the "least restrictive environment" be the first consideration.

The Education Amendments of 1974, P.L. 93-380, required that handicapped children be placed, for educational purposes, in the least restrictive alternative setting. Public law 94-142, the Education of All Handicapped Children Act of 1975, and Section 504 of the Rehabilitation Act of 1973 require the state to establish procedures which assure, to the maximum extent appropriate, that handicapped children are educated with nonhandicapped children. Removal of an exceptional child from the regular education environment should occur only when the child's individualized education program (IEP) states that education in the regular education environment, even with the use of supplemental aids and services, would be inappropriate.

In October of 1977, the Department of Education published Standards for Special Education (22 Pa. Code, Ch. 341), which reflect the intent to insure that each person is provided a free, appropriate public education in the least restrictive environment. Section 341.14 of the standards requires that the IEP for each person assigned to special education programs and services must include a description of the extent to which the child will participate in regular education programs (341.15 Individualized Education Programs).

In addition the standards require all school districts and intermediate units to develop special education plans which provides a continuum of programs and services for pupils assigned according to Title 22, Chapter 13 §13.11(d).

## PLAN DEVELOPMENT

The Department of Education will help intermediate units develop plans that specifically address the "least restrictive environment" requirements.

BEST AVAILABLE COPY

To implement this process the Department of Education has created in the Bureau of Special Education the position of coordinator of least restrictive environment. The coordinator will carry out his responsibilities through on-site visits with an advisory team.

The L.R.E. team will begin on-site visits in the fall of 1978. The schedule of visits will be determined through an analysis of data on placement alternatives available to handicapped persons in the intermediate unit and school district. The data collection will be continuous so the Department of Education will be able to monitor the effectiveness of the L.R.E. requirements in Pennsylvania. The product of each on-site visit will be the development of an L.R.E. plan for the intermediate unit and member school districts. This plan will address the process of insuring that a continuum of education placements is available to all handicapped persons. . . . .

In some instances it may be necessary to create alternatives in order to comply with the L.R.E. requirements. The plan then would address the necessary actions and state timelines to meet approval.

POLICY STATEMENT(S) ON L.R.E.

So that all local education agencies understand their responsibilities under the L.R.E. requirements and take the steps necessary to implement L.R.E., the Department of Education is issuing the following policy statements:

POLICY STATEMENTS:

1. All handicapped persons must have the opportunity to be educated with their nonhandicapped, chronological age peers to the maximum extent appropriate.
2. A continuum of placement alternatives must be available for each handicapped person.
3. Placement by category alone is considered inappropriate.
4. Removal of handicapped persons from a regular education environment must be documented to indicate that education in a regular education environment with or without the use of supplemental educational aids and services would be inappropriate.
5. Placement of a handicapped person must be determined after the development of the individualized education program (IEP).
6. Effective in September 1978 new classes for children who are learning disabled, brain injured, emotionally disturbed and educable mentally retarded, will be approved and funded only where those classes are housed in regular school environments.

Exceptions to this policy will be granted only on an individual basis and only with the official approval of the director of the Bureau of Special Education.

7. The use of centers and approved private schools for the placement of handicapped persons is considered a form of segregation. In other words, it minimizes the possibility of education with nonhandicapped children. Therefore, it is the policy of the department that these placements should only be used when the person's IEP determines that it would be inappropriate to educate the person in a public school.

Note: Additional detailed information may be found in the files of the Subcommittee on the Handicapped.

Roberta Thomas
1013 Barr Lane
Gladwyne Pa 19035

July 32, 1979

attachment to document # 3

I think, Senstors, that if you read the document marked # 3 , you will understand how desperate and alarming the situation is,

You will see 12 requests by parents for inclusion in the I.E.P. for a child who is being sent, against the parent's will, to an I. U. program.

The responses to these requests made by the IU can only be described as barbaric. The Intermediste Unit refuses to provide the essentisl services that would help the child become integrated into a hearing school. At one point, they make the incredible assertion that to provide these services - which include teachers who know sign language, participation in school activities, auditory systems, religious instruction in sign etc. - would be "catering to the handicap" snd that the child would therefore not be "Used to " functioning in the hearing world!!!

This I. U. has the audacious ignorance to tell the parents that their profoundly deaf child should be made ready for the hearing world by being in an environment where he understands nothing and can participate in nothing. They are actually advocating the isolation of a deaf child for his own good!

I ask you, Senators, what can a deaf child, deprived of language, communication, and interaction LEARN in such a situation? How can a child not be profoundly damaged by such isolation? How can anyone call this an "integrated" education and an appropriate placement for a child who cannot hear, who cannot speak, and who cannot communicate without sign language?

I sugges that it is a travesty to call such "integration" the intent of PL 94-142.

#2

**INDIVIDUALIZED EDUCATION PROGRAM**
**FOR STUDENT - [redacted]**

12 requests that would provide some integration for the deaf child in a hearing school and I.U. response

Requests to be included in I.E.P.:

1. Participation in mainstreaming Physical Education, Industrial Arts and extra curricular activities with a fully qualified teacher who can communicate without an interpreter.

2. Computer assisted instruction in Language, Reading and Math.

#3

3. Participate in plays, songs, dances.

4. Have after school swimming accompanied by an instructor who signs.

5. A full time school nurse who signs.

6. Sex Education.

7. Religion taught in sign language.

8. How will we provide for treating the psychological trauma created by moving student to a new scholastic situation:
   a. Academic problems.
   b. Self Identity.
   c. Socialization.
   d. Re-establish peer group identity.

9. Formal signing classes offered to normal children in whole school.

10. Auditory system to be used in all classes including mainstream.

11. How can Intermediate Unit insure that the I.E.P. will be completely implemented.

12. On-going socialization for after school hours.

Before this list was submitted (by Miss Hirsch, Dr. Hoffmeister and Mr. Bevin), Mr. Flynn asked [redacted] -

> "Are there any changes in the I.E.P. that has been submitted to you or any changes or adjustments that I can make in the Intermediate Unit Program that would allow you to accept placement for your daughter any place except P.S.D.?"

Both [redacted] said "No", at which point Miss Hirsch objected to the question as being premature and out of order.

Intermediate Unit Position

1. The philosophy of the Intermediate Unit in mainstreaming is to have Hearing Impaired students learn under the same conditions as hearing students wherever and whenever possible. As a compromise, the Intermediate Unit provides interpreter in classes when it is deemed necessary. The idea is to get Hearing Impaired students used to operating in a hearing world.

used to operating in an environment where the child understands nothing?

Individualized Education Program (Cont'd.)

2. Computer Assisted Instruction - No.

3. These take place in the contained portion of the program but not as part of the entire school program. Our students attend all assembly programs ~~where~~ and interpreting is provided.

4. No.

5. No. However, the full time nurse at the school has the benefit of an interpreter if needed and a registered nurse who is also certified as a teacher of the deaf is part of our staff in the secondary program.

6. Sex education is included with older students but formal sex education is at present not included in our program. It is in the discussion stage, however, and in all probability will be provided for this student next year.

7. No.

8. No provision.

9. No. Although this has been done and is being done in other areas of our program, it has been discontinued at the secondary level.

10. No. Contrary to philosophy ~~psychology~~ of the Intermediate Unit.
If we are teaching the handicap to overcome that handicap we don't cater to that handicap.

11. Parental on-site inspection - I.E.P. Conference - state review.

12. Parental responsibility.

Roberta Thomas

#4

Please see page 5 through 7

Nautury school placemant for the handicapped child within the State

# DUE PROCESS AND THE EXCEPTIONAL CHILD IN PENNSYLVANIA

## A Guide for Parents

EDUCATION LAW CENTER, INC.

to attend school by their local school boards; if non-handicapped children of these ages are permitted to attend school, then handicapped children of the same age in the same district are also entitled to attend and to receive whatever special education and related services they need.

### 3. What type of special education programs can be provided to an exceptional child?

Not very long ago, handicapped children were often separated from other children in special classes or facilities, or were not helped at all. New federal laws, as well as Pennsylvania law, require that handicapped children, to the extent possible, be educated in a regular classroom setting together with other school-aged children. This is known as "mainstreaming." If a handicapped child cannot be successfully educated in a regular class, he should still receive an education in a setting as similar as possible to that provided for non-handicapped children. The State therefore requires that various special programs -- ranging from a local district classroom to an out-of-state institution -- be considered in a priority order when an appropriate placement is sought for a handicapped student. A program for an exceptional child cannot be approved unless it is the "least restrictive" type of program which will meet that child's needs. The order in which these programs must be considered (highest priority first) is as follows:

#### (a) A regular class in a regular school with supporting activities.

This means the child is kept in a classroom with other non-handicapped children for most or all of the day, and is provided with additional services as needed.

(b) A special education program in a regular school.

In this program the child goes to a special class in a regular school with other children who have also been tested and been found to be exceptional.

(c) A special education program in a special facility.

This program is provided in a separate building which is not a part of a regular school and in which special equipment or facilities may be available to help handicapped children learn more quickly.

(d) Intermediate unit programs.

If the school district cannot offer an appropriate program, like those described in (b) and (c) above, the next most preferable placement would be the same types of programs in an intermediate unit.*

(e) An approved private school program.

When the school officials have no public school program, or if that program is filled, they can place a child in a private school which has a program that is appropriate for the child. Assignment to private schools can be for day programs only, or, if necessary, on a 24-hour residential basis. Such private schools must be approved by the State for exceptional children, and each individual placement in such a school must also be approved by the State (see Section III(A)(4), page 7).

(f) A state school program.

This is a program in a special facility operated by the State, such as a state school for the mentally retarded or a state mental hospital. Many questions still remain about the application of special education laws and due process procedures to children in state schools and hospitals, but federal law seems to require the same treatment for them as for all other children in Pennsylvania.

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*In Philadelphia, the intermediate unit and the school district are the same for purposes of special education programs. Outside of Philadelphia, an intermediate unit usually serves a number of smaller school districts, and provides special education and other services to those districts.

(g) An approved out-of-state program.

This is usually an approved private school, outside of Pennsylvania, which offers highly specialized programs for children with unusually severe handicaps. Such placements are usually made on a 24-hour residential basis.

(h) "Homebound" instruction.

When it is not possible to place an exceptional child in any other type of program, he may be taught at home. This is called "homebound instruction." Because state law requires this type of instruction to be provided for only five hours a week, it is the least preferred of all of the special education alternatives, and should normally be offered or permitted only if the child is too physically ill to leave his home.

### 4. When does an exceptional child have a right to a free education in a private school?

If the school district has a public school program which meets your child's needs, it cannot recommend a placement with a private school even if you request such a placement. However, if neither the school district nor the intermediate unit has a program which is appropriate for your child, school officials must recommend a placement in a private school. But even if the school district and the intermediate unit agree that a private school is appropriate for your child, this decision is still not final until

Roberta Thomas

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF EDUCATION
BOX 911, HARRISBURG, PA. 17126

#5

June 26, 1979

JUN 29 1979

Mr. Joseph P. Finnegan, Jr.
Headmaster
Pennsylvania School for the Deaf
7500 Germantown Avenue
Philadelphia, PA 19119

Dear Mr. Finnegan:

A copy of your May 24, 1979 letter to Parents, Staff Alumni and Friends has been given to me for review.

The third paragraph of that letter indicates that "many deaf children and their families are continually frustrated in their efforts to select the educational program which they feel best meets their needs."

I must point out to you that federal Public Law 94-142 and the state law does not provide for parents to "select" what they think is the best educational program for their child. This in essence would entail a voucher system of education which is not at this time available in the Commonwealth of Pennsylvania. Parents in Pennsylvania, however, have the opportunity to "negotiate an appropriate educational program" for their youngster. This negotiation of an educational program is the intent of federal Public Law 94-142 as well as the state regulations and standards.

Sincerely,

Gary J. Makuch

Gary J. Makuch, Director
Bureau of Special Education

*The Pennsylvania School for the Deaf*

SINCE 1820

JOSEPH P. FINNEGAN, JR.
HEADMASTER

7500 GERMANTOWN AVENUE
PHILADELPHIA PENNSYLVANIA 19119

TELEPHONE (215) 247 9700
TELETYPE (215) 247 [illegible]

May 24, 1979

Dear Parents, Staff, Alumni, and Friends:

Attached please find a statement released by our Board of Trustees after their May 23rd meeting. Everyone is quite relieved that there appears to be some certainty regarding the future of PSD.

Our problems are not over, however. A tremendous operating loss will be sustained this year by the Board's small, private resources. Also, we have no certainty as to our funding level for next year. We will be negotiating an operating budget for 1979-80 with the state for the first time, and we are unsure as to how this will develop.

In addition to the funding problems/questions, we are still uncertain of our role in educating deaf children as the State of Pennsylvania sees it. Many deaf children and their families are continually frustrated in their efforts to select the educational program which they feel best meets their needs. Pennsylvania's interpretation of Public Law 94-142 has created many problems and unanswered questions for deaf children, their families, and educational programs such as PSD. Although we recognize the challenges ahead, we are anxious to return to the priority of attempting to provide a quality educational alternative to the deaf children of Eastern Pennsylvania. We are planning for next year and as soon as our budget has been negotiated with the state, we will be able to initiate our plans.

We want to sincerely thank each of you for your active interest and cooperation during the past few months. This has been a very difficult time for everyone and your continued support has been greatly appreciated.

Sincerely yours,

Joseph P. Finnegan Jr.

Joseph P. Finnegan, Jr.
Headmaster

JPF:am

AN EQUAL OPPORTUNITY EMPLOYER

1013 Barr Lane
Gladwyne, Pa 19035

August 7, 1979

1979 AUG 10 [illegible] 43

Received
Date 8-10-79
Subcommittee on
the Handicapped

Senator Jennings Randolph
Chairman
Subcommittee on the Handicapped
Room 4232 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Randolph,

Enclosed please find the answers to the questions which were given to me at the July 31 hearing. I have done my best to answer them as clearly as possible.

I would like to take this opportunity to thank you for allowing me the opportunity to testify on behalf of my son Jesse and all deaf children who are not being served by the law which you clearly intended to serve these children.

I am very glad that I was fortunate enough to hear you speak. I am optomistic about the future of all our handicapped children so long as a Senator as sensitive and concerned as yourself continues to work for them.

Thank you again for your help to me and for your commitment to all handicapped children.

Sincerely yours,

Roberta Thomas

Roberta Thomas

ROBERTA THOMAS - QUESTIONS

1. DO YOU KNOW IF ANY GUIDELINES HAVE BEEN ISSUED ON THE MANNER IN WHICH THE RANKINGS ARE TO BE USED?

2. TO YOUR KNOWLEDGE HAS THIS INTERPRETATION OF LRE BEEN THE SUBJECT OF ANY DUE PROCESS HEARINGS?

3. TO YOURKNOWLEDGE HAVE DEAF CHILDREN IN YOUR AREA BEEN DENIED ACCESS TO PRIVATE SCHOOLS?

4. WHAT SPECIAL EDUCATIONAL SERVICES WOULD A DEAF CHILD IN A SPECIAL EDUCATION CLASS RECEIVE? IN WHAT WAYS, IF ANY, WOULD SUCH CHILDREN BE INTEGRATED INTO REGULAR CLASS PROGRAMS?

Roberta Thomas
1013 Barr Lane
Gladwyne, Pa 19035

Questions

(Testimony July 31, 1979)

I

DO YOU KNOW IF ANY GUIDLINES HAVE BEEN ISSUED ON THE MANNER IN WHICH THE RANKINGS ARE TO BE USED?

The RANKING SYSTEM, IN WHICH MAINSTREAMING, OR AN APPROXOMATION OF MAINSTREAMING IS RANKED FIRST, AND THE APPROVED PRIVATE OR STATE SCHOOL (INCLUDING ALL SCHOOLS FOR THE DEAF) IS RANKED LAST , IS ITSELF THE GUIDLINES. see #1)

This is specified by the Bureau of Special Education ( see enclosed memorandum) further outlined in prepared booklets issued to parents, and countless directives to IU Directors. Local School Districts and Intermediate Units are directed to place children in local school programs . THEY ARE INFORMED THAT THIS RANKING SYSTEM IS "DECIDED BY LAW." In Pa., it is understood that the law (PL 94-142) specifies this ranking system, which must be followed by IU's.

That this has now become precedent is clear in the enclosed Quakertown School District Evaluation in which a child is being removed from (#2) The Pennsylvania School for the Deaf ( against the parent's will) because Quakertown insists that "Federal Law mandate us to place the child in the "least restrictive environment" There is no question that to Pa authorities this means ALWAYS placing the child in a local program and not in a school for the deaf.

The parent's view of what constitutes the best placement is disregarded. More important , although Pa. State Plan (approved by BEH) indicates a continuum of programs , these programs are not equally accessible, with determination of placement based upon the INDIVIDUAL NEEDS of the child. Rather, children are placed according to this ranking system.

The ranking system, and subsequent placement of deaf children violates PL94-142. A continuum of programs is NOT EQUALLY ACCESSIBLE, and INDIVIDUAL NEEDS OF THE CHILD are not the first consideration.

II Roberta Thomas

TO YOUR KNOWLEDGE HAS THIS INTERPRETATION OF LRE BEEN THE SUBJECT OF ANY DUE PROCESS HEARINGS?

TO MY KNOWLEDGE, THIS INTERPRETATION OF LRE HAS BEEN THE SUBJECT OF ALL DUE PROCESS HEARINGS IN MY AREA AND IN OTHER PARTS OF THE STATE.

This interpretation of LRE has been also tied to questions about FAPE in that many parents contend that this interpretation of LRE is dening their children an appropriate education.

It seems to me to indicate a clear problem when ALL DUE PROCESS CHALLENGES TO PA INTERPRETATION OF LRE _ IE. THE RANKING SYSTEM, WHICH THEY SAY IS DECIDED BY LAW _ HAVE MET WITH FAILURE.

III TO YOUR KNOWLEDGE HAVE DEAF CHILDREN IN YOUR AREA BEEN DENIED ACCESS TO PRIVATE SCHOOLS? (#4)

TO MY KNOWLEDGE, ALL DEAF CHILDREN IN MY AREA WHO HAVE DESIRED ADMISSION TO THE PENNSYLVANIA SCHOOL FOR THE DEAF ( AND OTHER DEAF CHILDREN IN OTHER PARTS OF THE STATE TO OTHER SCHOOLS FOR THE DEAF) HAVE BEEN DENIED ACCESS.

It is precisely because children are being denied access , AND OTHER CHILDREN BEING REMOVED from the Pennsylvania school for the deaf that we contend that children are being placed by category rather than in terms of their individual needs. Although the State denies this ( see State Plan) there is overwhelming evidence that children are placed by category and denied access to the Pennsylvania School for the Deaf. I know of ten cases now from my area that are in various phases of due process. There are countless others that never get to due process because parents are told by their Intermediate Unit that they must place their child in the local IU program, and parents do not challenge this authority . Most Pa. parents of deaf children do not know that PL 94-142 provides that a continuum of programs should be available and equally accessible since all the information they receive is derived from Pa ranking system of placements.

The situation outlined in the anwers to question I, II, and III represents a threat to the very existence of schools like the Pa School for the Deaf. IU, which seem to understand very little about what is appropriate for deaf children does not provide these children, which they prohibit from attendingPSD,with any of the services that PSD could provide.

# Administrative Agency News

[illegible] of Pennsylvania state administrative agencies are either digested or printed in their entirety below. Please note special instructions for each agency concerning how to obtain copies of these Orders and Decisions.

## Department of Education

*The Pennsylvania Law Journal* publishes regularly condensed versions of opinions of the Department of Education. Where an opinion is of particular significance and interest, it is published in its entirety. Copies of these opinions may be obtained by contacting the *Pennsylvania Law Journal*, 56 North Juniper Street, Philadelphia, Pennsylvania 19107.

**Special Education**

**Appeal Opinions**

*These comments were prepared by the Legal Division, Pennsylvania Department of Education, Box 911, Harrisburg, Pa. 17126*

*Related services — Mainstreaming*

**In Re the Educational Assignment of Susan F.**, a student in the North Penn School District, Special Education Appeal Opinion No. 105, issued by Secretary Caryl M. Kline on August 3, 1978.

Due process hearing held pursuant to 22 Pa. Code §13.32.

[illegible] unsuccessfully in several [illegible]. The child's [illegible] be placed [illegible] with [illegible]. Mother appealed alleging that hearing officer's recommendations were inappropriate because they (1) were not supported by substantial evidence, (2) did not provide for a sighted guide and (3) did not limit the size of all the child's classes.

Secretary upheld the hearing officer's recommendations finding them to be supported by substantial evidence on the record as a whole. The Secretary did not find substantial evidence in support of the need for a sighted guide. However, because the evidence concerning the child's need for a sighted guide was [illegible], the Secretary [illegible] that the child's need [illegible]. It was [illegible] that 22 P.S. §13-1372(1) [illegible] the provision of [illegible] to blind students. The Secretary [illegible] the [illegible] in the evidence [illegible] mandate that [illegible] children be [illegible] Code §13.32.

*Special education hearing for [illegible] — [illegible] — Least restrictive educational placement*

**In Re the Educational Assignment of [illegible]**, a student in the North [illegible] School District, Special Education Appeal Opinion No. [illegible], issued by Secretary Caryl M. Kline on June [illegible], 1978.

Hearing [illegible] pursuant to 22 Pa. Code §13.32.

[illegible] state approved private school in which she had previously been placed pursuant to 24 P.S. §13-1376. Hearing officer found for the I.U. and was upheld on appeal by the parents to the Secretary.

The parents' appeal alleged that (1) the I.U. program was inappropriate to meet Adelola's needs, (2) the school district, I.U., and hearing officer lacked authority and grounds to make decisions as to appropriate placement because no individualized educational program (I.E.P.) had been written by I.U. prior to the hearing as required by 22 Pa. Code §341.1 et seq., and (3) the recommended placement was not the least restrictive educational placement.

The Secretary found the I.U. program to be appropriate by a preponderance of the evidence on the record. It was held the requirements of 22 Pa. Code §341.1 et seq. relating to standards for special education and development of an I.E.P. were not adopted until after the matter herein arose and therefore did not apply. Furthermore, it was noted that a school program can be found appropriate even if a written I.E.P. has not yet been developed if a sufficiently detailed description of the program is given during the hearing. Finally, as long as the I.U. program was found appropriate and adequate to meet the child's educational needs, state regulation required the district to place the child in the I.U. program (22 Pa. Code §13.11(d)). Therefore, a public school placement is, as a matter of law, less restrictive than a private school placement.

*Failure to appear at hearing — Discretion of hearing officer — Compulsory attendance*

**In Re the Educational Assignment of Gary B.**, a student in the School District of Pittsburgh, Special Education Appeal Opinion No. 94, issued by Secretary Caryl M. Kline on May 16, 1978.

Due process hearing held pursuant to 22 Pa. Code §13.32.

School district proposed that a socially and emotionally disturbed child (who, because of emotional problems, had had a history of poor [illegible] attendance) [illegible]. The child's mother desired an approved private school placement but agreed to supplementation of the district's schedule for the child's [illegible] a due process hearing. The hearing officer [illegible] for the district and recommended that the compulsory attendance law should be complied with. On the mother's appeal the Secretary upheld the hearing officer in part but upheld the mother's challenge to [illegible] the reentry schedule.

The Secretary found, contrary to the mother's contention, that the hearing officer had not abused his discretion by holding the hearing in the absence of the mother and her [illegible]. The mother's written [illegible] request had [illegible] hearing. The request for postponement was received by the officer the day before the hearing. The mother and her attorney failed to wait for the officer's response before deciding not to attend the hearing. The Secretary held that the mother waived her right to challenge the district's evidence by not attending the hearing.

The Secretary also rejected the mother's exception to the hearing officer's recommendation that the compulsory attendance laws be enforced in this matter. The Secretary found this recommendation to be simply a restatement of the applicable law, which, in fact, was warranted by the child's history of nonattendance at school.

Finally, the Secretary upheld the mother's exception to the hearing officer's recommendation for a shortened reentry schedule. No support for this recommendation was found on the record. Moreover, the record was found to contain substantial evidence which supported the district's original proposed reintegration schedule.

*Special education hearing for a handicapped child — Psychological evaluations*

**In Re the Educational Assignment of Shannon W.**, a student in the St. Marys Area School District, Special Education Appeal Opinion No. 96, issued by Secretary Caryl M. Kline on June 27, 1978.

Hearing held pursuant to 22 Pa. Code §13.32.

School district proposed placing child in primary level class for educable mentally retarded youngsters. However, parents contended child was learning disabled and required a class placement for learning disabled children. Hearing officer found for the school district and was upheld on the parents' appeal to the Secretary.

The parents' appeal alleged that the hearing officer's decision was not supported by substantial evidence and that the psychological examinations relied on in this matter were contrary to the applicable regulations. First, the Secretary held that the hearing officer's recommendation of the school district program was supported by substantial evidence. Second, the Secretary found the evaluations to be in conformity with the applicable regulations. The evaluations were administered and interpreted taking into account the child's sensory impairments (22 Pa. Code §341.1(b)(2)). Also, it was noted that various sources of information concerning the child were utilized in the evaluation process (22 Pa. Code §341.1(b)(4)).

*Independent psychological evaluation — Failure to provide special education*

**In Re the Educational Assignment of Mary L.**, a student in the School District of Philadelphia, Special Education Appeal Opinion No. 101, issued by Secretary Caryl M. Kline on June [illegible], 1978.

Due process hearing held pursuant to 22 Pa. Code §13.32.

[illegible] proposed to place child [illegible] and [illegible] a private school placement for her son. Hearing officer found that the district's proposal was appropriate for the child. The hearing officer's decision was upheld on the mother's appeal to the Secretary.

The mother, in her appeal, alleged that (1) the hearing officer's decision was not based upon substantial evidence, (2) the officer did not give full weight to the independent psychological evaluation of her child, and (3) the officer ignored the district's alleged failure to provide the child with special education in the past. The Secretary found that the hearing officer's decision was supported by substantial evidence on the record. The Secretary held that the weight to be accorded a piece of evidence is within the hearing officer's discretion and that there was no showing of an abuse of that discretion in this matter. Finally, the Secretary held that the alleged past failure of the district to identify and appropriately serve this exceptional child was not relevant to the hearing officer's decision concerning the appropriate program of special education which must now be provided to the child. The duty of a hearing officer is to provide prospective and not retrospective relief.

*Interested parties — Legal custody — Mootness*

**In Re the Educational Assignment of Steven O.**, a student in the Centennial School District, Special Education Appeal Opinion No. 95A, issued by Secretary Caryl M. Kline on June 29, 1978.

Subsequent to the school district's filing an appeal of the hearing officer's report in this matter, the child's parents petitioned the local Common Pleas Court, pursuant to the Juvenile Act, to have their child placed in the custody of a third party. The court adjudicated the child to be a deprived child and committed him to the custody of a third party. The Juvenile Act of 1972 defines a custodian as one who stands in loco parentis to the child. The Secretary found that the child's parents are no longer legally empowered to make educational decisions for the child and are no longer interested parties in the matter. The matter on appeal, therefore, was found to be moot and the appeal was dismissed.

*Special education hearing for the handicapped student — Appropriate program of special education — Bias of hearing officer — Time limit violations*

**In Re the Educational Assignment of [illegible]**, a student in the [illegible] School District, Special Education Appeal Opinion No. 102, issued by Secretary Caryl M. Kline on July 12, 1978.

Hearing held pursuant to 22 Pa. Code §13.32.

District proposed that the child be placed in the I.U. program for the [illegible] in a state private school [illegible] at parents' choice. Hearing officer found for the district and was upheld on appeal by the parents to the Secretary.

The parents' appeal alleged that [illegible] needs, (2) the hearing officer was [illegible]

The Secretary found the I.U. program to be appropriate by a preponderance of the evidence on the record. A detailed description of the program was given at the hearing and a thorough I.E.P. was submitted. The Secretary found no evidence of bias on the part of the hearing officer. Finally, it was held that no prejudice resulted to appellants as a result of delays in due process procedures and that appellants themselves benefited from and were responsible for some of the delay.

*Timeliness of appeal — Grounds for extending the appeal period*

**In Re the Educational Assignment of Shane J.**, a student in the School District of Philadelphia, Special Education Appeal Opinion No. 104, issued by Secretary Caryl M. Kline on June 27, 1978.

Decision pursuant to 22 Pa. Code §13.32.

The appeal in this matter was filed after the expiration of the 15-day period during which hearing officer's reports and recommendations may be appealed to the Secretary of Education.

Appellants did not request an extension of the appeal period prior to the expiration of the 15 days, nor did they present any reasons which would require the Secretary, on equitable grounds, to extend the time for filing an appeal. There was also no evidence on the hearing record to justify extending the time limit. Therefore the appeal in this matter was dismissed.

*Special education hearing for learning disabled child — Appropriate program of special education — Adequacy of individualized education program*

**In Re the Educational Assignment of John W.**, a student in the Philadelphia School District, Special Education Appeal Opinion No. 103, issued by Secretary Caryl M. Kline on August 7, 1978.

Hearing held pursuant to 22 Pa. Code §13.32.

The district proposed that this learning disabled child be provided with a placement in a district classroom for learning disabled children. The child's parent, however, did not approve of the program or the IEP prepared by the district and requested a due process hearing. The hearing officer found that the child was learning disabled and should be assigned to a district classroom for learning disabled children.

In her appeal the parent contended that (1) the hearing officer erred in finding that the proposed assignment of John to a district L.D. class was appropriate, (2) the hearing officer abused his discretion by finding the proposed assignment proper while also finding the IEP to be inadequate, (3) the evidence that John is learning disabled is not supported by the record or the IEP, and (4) the hearing officer erred in concluding that the evidence did not support a private school placement.

The Secretary held that the evidence supported the hearing officer's finding that John was learning disabled. However, the Secretary also held that the program offered to John by the district was [illegible]

(Continued on Page [illegible])

Roberta Thomas

IV WHAT SPECIAL EDUCATIONAL SERVICES WOULD A DEAF CHILD IN A SPECIAL EDUCATION CLASS RECEIVE? , IN WHAT WAYS, IF ANY, WOULD SUCH CHILDREN BE INTEGRATED INTO REGULAR CLASS PROGRAMS.

The special education services that a child receives varies dramatically from IU to IU. Rarely are the services geared to the individual needs of the child. If the IU is really ignorant about deafness - if, for example, they don't understand that a deaf child needs to learn and use sign language in order to develop language and in order to communicate , children are often deprived of any education and communication at all, to the despair of their parents. And the parents can do nothing about this since the law does not deal at all with what constitutes appropriate. FF3

Because the state insists that schools for the deaf are the least appropriate placement, parents can only hope that the local school districts will provide any of the services that would be provided at a school for the deaf.

THE CHILDREN ARE NEVER NEVER integrated into the regular classroom program. Unless the staff of the school knows sign language, they CAN'T be integrated into regular class programs. Most deaf children can't lipread and know very little English. Most young deaf children are not evan well equiped enough in sign language to benefit from an interpreter. They need staff that signs. PROXIMITY IS NOT INTEGRATION.

The typical situation is this: the child is in a class with 4 to 8 other deaf children, and a teacher whose sign skills vary, if they exist at all. When they go to luch, they sit at a separate table, and in no way interact with the other children, understand announcements etc. They are segragated, not integrated. They cannot communicate with the staff, or with other children. They never see a deaf adult. They cannot participate in school activities. If a child isgifted in athletics, for example, and tries to join the sports team, he has terrible difficulty because he cannot easily communicate with the coach or his team mates. Consequently, he cannot perform to his ability. Every time the deaf child tries to particpate, he is never on an equal footing.

Deaf children need schools for the deaf. But they also need an opportunity to relate to the hearing world. This cannot happen if they are not provided with the services that would make such integration possible. Instead, without a school for the deaf, and without services to provide for real integration, they are completely deprived, and their education in no way approxomatee what is available to the hearing child.

BECAUSE OF PA. INTERPRETATION OF LRE ( WHICH I AGAIN EMPHASIZE, Pa ADVERTISES AS A MANDATE OF PL 94-142 ) AND THEIR TOTAL INABILITY TO RECOGNIZE WHAT IS APPROPRIATE FOR DEAF CHILDREN ON AN INDIVIDUAL BASIS AND FOR DEAF CHILDREN IN GENERAL, DEAF CHILDREN IN PA ARE FAR WORSE OFF THEN THEY WERE BEFORE PL 94-142

QUESTIONS

LRE QUESTIONS

1. What do you understand the requirements of Public Law 94-142 to be regarding the placement of handicapped children in least restrictive environments?

2. What changes have occurred with respect to the placement of your handicapped child in a least restrictive environment as required under Public Law 94-142?

3. Does your child spend any part of his day in a regular classroom?

4. For what activities is your child included in the regular class program?

5. Do you feel the time spent in the regular class is appropriate to your child's educational needs?

6. Do you know whether the regular class teacher receives any special assistance or materials in order to develop an appropriate individualized program for your child in the regular class?

7. What are the differences in class size between the regular class and special education class your child attends?

8. Have there been any problems with nonhandicapped students accepting handicapped children in the regular classroom?

9. Who is providing the majority of educational services for your child? Do you know what proportion of his educational program is the responsibility of a
   - --special education teacher,
   - --regular class teacher,
   - --classroom aide?

10. How would you respond to the concern that some handicapped children are being "dumped" into regular classrooms and thus are receiving fewer educational services than would be provided in self-contained classes or residential settings?

Roberta Thomas

LRE questions

1.
It is clear to me that what constitutes the least restrictive environment must be determined according to the needs of the individual child. What constititutes the least restrictive environment for one child might well constitute the most restrictive environment for another. One must take LRE quite literally. What restricts the child least? What offers him the most, educationally, emotionally, socially? What education will offer him what is available to non-handicapped children? For deaf children, a hearing school does not offer them what this same hearing school offers a hearing child. For most deaf children, at some stages of their education, they are offered the most in language, communication, and interaction in the environment where they can communicate the most, and participate in all school activites. This clearly means that a school for the deaf is often the least restrictive environment, making available therefore the most appropriate education.

When a child can benefit from interaction with the non-handicapped world, it should be encouraged and all the necessary services provided. It is however, entirely inaccurate to assume that proximity with non-handicapped children is automatically "least restrictive."
It is inappropriate for least restrictive environment to be interpreted to suggest that mainstreaming is always the preferred placement. LRE MUST BE DETERMINED BASED ON THE NEEDS OF THE INDIVIDUAL CHILD.

2. As a result of Pa interpretation of PL 94-142, my child, and all others, are denied access to schools for the deaf. This situation did not exist before PL 94-142

3. No

4. In our IU, NONE

6 Regular class teachers are in no way equiped to handle deaf children, and so they don't. In some IU's deaf children are put in regular classrooms. These teachers know nothing about deafness and are in no way equiped to deal with these children.

5. not applicable.

7. Classes for the deaf are generally much smaller than regular classes because of the low incidence of deafness.

8. There are not problems in non-handicapped children accepting deaf children in the classroom because they never meet.

9. All educational services to deaf chilcren in IU programs are provided exclusively by one classroom teacher. There are not aides.

10. Your question is an excellent summery of the stituation as it exists today. I would emphasize that this is as true of the self-contained classroom as the regular classroom. Children in self-contained classrooms have a more restricted environment and less services then they would in a center school ( they are not necessarily residential ; PSD could be a day school if it were accessible to all the deaf children in Phila. and neighboring counties.)

## QUESTIONS

### FAPE QUESTIONS

1. What is your understanding of the term "free appropriate public education?

2. As a parent of a handicapped child can you tell us what, if any, programs are offered by your school district to nonhandicapped children but not to handicapped children?

3. What impact has Public Law 94-142 had to date on the quality and quantity of school services provided the handicapped by your school district?

4. Since the enactment of Public Law 94-142 what progress has been made and what problems remain with respect to the identification, diagnosis and placement of handicapped children?

5. To your knowledge are there any state or local limits on the amount of reimbursement that parents may receive for private school placement or for cost of related services? If there are such limitations, do they conflict with the requirement in Public Law 94-142 that a free appropriate education be provided to every handicapped child between the ages of 5 and 18?

6. As a parent of a handicapped child, how would you rate the overall effort of school administrators and teachers in providing your child with a free appropriate public education?

Roberta Thomas

FAPE questions

1. It is my view that FAPE is the muddiest part of PL 94-142 and causes the most frustration to those who understand the very specific needs of handicapped children .

Appropriate Education must mean that education which is appropriate to the specific needs of any given handicap , and then to the specific needs of every individual handicapped children. Only then can a child be placed appropriately, in what is the LRE specific to his needs. Only then can an IEP make any sense or have any use whatever.

When an IU forces deaf children into local programs, without exception, that is not appropriate, That is merely local.

When the IU does not provide the child with services that experts and parents consider essential , that is not appropriate.

When the state determines that a form of mainstreaming is always the preferred placement, that is not appropriate.

Appropriate must take into account the specific needs of the child.

2. The Local IU offers the self-contained classroom. Because the child can communicate with NOONE besides his own teacher, and can particpate in no school activites, it is clear that deaf children have nothing that approxomates what hearing children have.

3. The quantity of servies has been severly reduced because the PROGRAMS ARE NOT EQUALLY ACCESSIBLE. In most counties, only one program is available, and the parents are forced to accept it. The quality has deteriorated very badly. Schools for the deaf have the expertize, the equipment, and the services that are necessary to educate deaf children, together with an environment that can nourish them. IU's that now insist on educating deaf children are usually entirely ignorant of desfness and provide neither the sensitivity nor the expertize and services that were available to deaf children before PL 94-142.

4. The situation is generally very poor. Evaluations of deaf children are made by people with no knowledge of deafness and with tests that are verbally based. The evaluators do not know sign language and consequently cannot administer a test. Children are evaluated and placed with procedures that reflect ignorance of deafness.

5. In pa. a private school such as PSD is not really private, in that the State funds the education and there is no tuition for parents to pay.

6. I would rate it as very very poor. Most administrators find it very overwhelming , and are happy to respond to formulas and categories provided by the state, they are unwilling to accept ( at due process hearings,) the testimony of experts.

Deaf children do not receive an appropriate education - appropriate to the nature and severity of their handicap, to their individual needs.

## QUESTIONS

### IEP QUESTIONS

1. Does your child have an IEP?

2. At what stage in the development of the IEP were you encouraged to become actively involved? How were you notified?

3. Who comprised the IEP development team for your child? Was the special education teacher involved in the development of the IEP?

4. Were any social service agencies which might provide related services to your child involved in the development of the IEP?

5. Were your child's IEP conferences scheduled during regular school hours? Did you participate actively in the development of your child's IEP?

6. What, if any, problems did you encounter as a parent in the development or implementation of your child's IEP?

7. What follow-up procedures were used to ensure that the goals and objectives of the IEP were actually carried out in the classroom?

8. In your opinion, were the services of your child's school adequate to implement the provision of his IEP?

9. Do you feel the IEP requirement stipulated by Public Law 94-142 has affected the quality of the educational services available to your child?

10. In your opinion as the parent of a handicapped child how might the process of developing and implementing IEP's be improved?

11. What proportion of your IEP deals with related services, such as transportation, physical therapy, etc.?

12. If you were given the opportunity to amend the Federal regulations which govern the IEP, how would you change them?

Roberta Thomas

IEP questions

1 through 5

My child's IEP has been handled with care and thoroughness by my local school district ( that has very little power) with appropriate personel involved and my own involvement. The Director of Special Education in Lower Merion Township is scrupulous and sensitive. The local IU usually simply copies our IEP and says it will provide all the services specified when it clearly can't.

6. The only problem is one of plcement. Whatever placement is recommended by the IEP, the IU invariably recommends itself and consistently denies access to schools for the deaf. ( see # 9)

7. So far as I can tell - there are no methods to force compliance of the services specified in an IEP. This has resulted in tremendous deviousness by programs that offer extensive services (thereby recommending themselves as a placement) and then providing none. The IEP's look terrific at the due process hearings since the IU programs feel that they can promise everything with impunity. There is no way to force them to comply.

8. There are no provisions to force compliance with an IEP, and no IU has the services that can provide what is necessary for a deaf child. The IEP becomes an empty document.

9. The IEP does not affect the quality of a deaf child's education at all. If a parent requests services which they consider the bare essential for their deaf child ( such as sign language, participation in school activities ) the IU can refuse to include them ( see enclosed document) It is not unheard of for an Intermediate Unit to decide that it is better for deaf children not to sign, and to suggest that providing the communication services that almost anyone with the slightest knowledge of deafness would consider essential for a deaf child would be "catering to the handicap." Horrified parents can do nothing about this. In such cases, an IEP means absolutely nothing, since it is based upon an ignorant view of an appropriate education for a deaf child.

10 The IEP presently either 1) promises to provide services which it doesn't provide 2) refuses to provide services which parents and experts consider essential. What is necessary to change this are a) regulations that force compliance b) the acceptance of expert testimony to force inclusion of necessary services.

11 about 1/3

12 . The IEP cannot improve unless there are rapid and effective methods of forcing compliance and unless necessary and related services are included.

No IEP can have any value without what constitutes an appropriate education being tailored to the specific needs of the handicapped child. This effectively means that there cannot be an IEP if appropriate programs are not available and accessible. If a program is appropriate, than an IEP can indeed reflect an intelligent plan for the child.

As long as deaf children in Pa are not offered a continuum of programs there can be no valid IEP

TESTIMONY OF MRS. JANE WOLFE OF JACKSON, TENNESSEE
BEFORE THE SENATE SUBCOMMITTEE ON THE HANDICAPPED
TUESDAY, JULY 31, 1979

Mr. Chairman, and members of the Committee, my name is Jane Wolfe. I am from Jackson, Tennessee and I am the parent of a learning disabled child. I would like to take a few minutes to tell you of my feelings about Public Law 94-142 and also to tell you about my experiences in trying to get appropriate educational services for my child and for other children whose parents I have worked with.

First let me say that I feel that Public Law 94-142 is a good law and is much needed. Without it there would be very little legal base for myself and other parents of handicapped children in our efforts to get appropriate educational services for our children. I would not change the law but I would find better ways of monitoring how it is implemented. This is because even though I sincerely wish that school systems would do the right thing for youngsters it does not seem to work that way. The law has to be enforced before the children can benefit from it.

Now, if I may, let me tell you of some of my own experiences. Although my own daughter was first diagnosed as being learning disabled a little over ten years ago the struggle to find a way to meet her special needs has persisted. She is now seventeen years old and will begin this coming school year at a public high school in Jackson, Tennessee. Despite the understanding of her teachers she still failed three subjects this past year. Now I ask you. What happens to a child who falls behind or fails and never quite makes it? I can tell you that unless the school system develops a program that will enable that child to meet with some sort of success, then you have a potential dropout or someone who finds a way to succeed outside the law and get even with society for the way he was treated in school.

Until one year ago I did not allow my child to be placed in the local school system because the disadvantages far outweighed the advantages. The only education available to her is a study hall type resource room for one hour a day where she attends high school. This is only a tutoring of her regular subjects and does not provide her with the one to one remedial work she needs. There is no liaison between her regular classroom teacher and her resource teacher to coordinate their efforts. There is no appropriate career education. The school system does not pay for the extra tutoring which she needs after school. There is no monitoring of her progress by the guidance counselor. There is no social worker. The principal will not allow handicapped students into vocational programs. There is no supervised on the job training which my daughter desperately needs.

As a result of this lack of appropriate education my daughter has tried and failed in three part time jobs in the last year. She is ineligible for extra curricular activities due to her grades which are a direct result of the completely inadequate education which she receives in the public schools and the way in which she is discriminated against. What will she be able to do when she finishes high school? How will she be able to become a productive member of society or receive the benefits of equal opportunity if she cannot get an education?

Let me tell you of two other situations which demonstrate the frustrations which parents and children must deal with and the results of those frustrations. One involves a learning disabled child who was fifteen years old. For years his parents were told that his failing grades were the result of not caring about schoolwork or being hyperactive and disruptive. He fell several years behind his peers and was refused special programming even after he was diagnosed as learning disabled. He came to feel himself to be a failure. When an appropriate program was set up the Superintendent told the parents he could not be in that program because his parents did not live in the right school district. He was placed back in the program where he had failed up to this point. On December 13, 1978 he took a pistol, lay down on a ditch bank behind his house and shot himself. All the school system could say was that they had done the best they could within their limited resources. If only this child could have received an appropriate education that the law calls for and he could have been convinced that he had worth he would be alive today.

The other situation in which I was involved concerned a sixteen year old retarded boy who needed a pre-vocational program. The parents tried for two years to get an appropriate program for their child and were not successful even after the intervention of the state Department of Education's Right to Education Officer. In the last meeting before the due process hearing the school system produced records of a personal nature about the child which they had been keeping for two years without the knowledge of the parents. At this meeting the school threatened to release this highly embarassing information to the newspapers if the parents did not agree to an inappropriate placement. At the hearing the school introduced testimony from fifteen witnesses about how much of a behavior problem the child was, what a danger he was to other students and how disruptive he was. They did not call to the stand the homebound teacher who told of all the child's skills and his ability to work with machinery safely. Finally the hearing ordered an appropriate educational placement, but it took these parents almost two and a half years of unstinting effort, harassment and embarassment to get what the law says their child is entitled to. As I said before 94-142 is a good law but a great deal more monitoring of local systems is necessary to get them to live up to their obligations. And the appropriations for the law need to equal the authorized level.

The only way that handicapped children will be able to be accepted into society and become productive citizens is if they get appropriate educations in a situation as close to their peers as possible, so that their peers grow up with them and come to accept them. But we are a long way from providing an appropriate education in the least restrictive alternative that the law calls for. And we are a long way from public acceptance which enforcement of the law would eventually lead to. I will never forget the statement made by one of our state legislators a few years ago when he called the handicapped a burden to the state. I say to you that they are not a burden but an opportunity for us to live to the American goal of human dignity and equal opportunity for all. But we will not be able to reach this goal as long as citizens and educators ask why mentally retarded children should be allowed to go school with normal children or resent having to take the time or trouble to adjust their way of thinking or of running their classroom. And they will not be able to do this until the teacher training which the law requires is provided. Nor will we be able to do this until teachers are encouraged by school administrators to write adequate individual educational programs and are told that the school will support them in their efforts to get innovative programming for handicapped children. There must be support for teachers. The only way this support will come is if it made very very clear from Washington that the federal government supports this program which it created and intends that its mandates be carried out.

In closing let me say that I appreciate the opportunity to be here today. I appreciate the opportunity to try to bring about more effective enforcement of this law just as I appreciate the opportunity which the law gives me to participate as an equal member in the development of my child's program. I only wish that the law were monitored and enforced so that the opportunity which it creates could become a reality. We owe this much to our children.

AUG 22 [illegible]

Mrs. Jane Wolfe
57 Bethany Drive
Jackson, Tennessee 38301
August 20, 1979

The Honorable Jennings Randolph
Chairman
Subcommittee on the Handicapped
Room 4232
Dirksen Senate Office Building
Washington, D.C. 20510

8-24-79

Dear Senator Randolph:

I am returning the answers to the questions presented to me immediately following my testimony given at the Subcommittee on the Handicapped hearing on July 31, 1979.

I regret the delay in returning these but due to a personal illness I was unable to complete my answers until this week. I sincerely hope this has not caused any inconvenience.

I appreciated the opportunity to speak before the Subcommittee and I hope that I have been of some assistance as a parent of a handicapped child.

Sincerely yours,
Jane Wolfe
Jane Wolfe

Enclosure

## ANSWERS TO QUESTIONS ON TESTIMONY BY JANE WOLFE BEFORE THE SENATE SUBCOMMITTEE ON THE HANDICAPPED, JULY 31, 1979

1. My learning disabled child was in a public school for the first and second grades. It was at this time that she was diagnosed. At that time there was no special education classes for the learning disabled in the county in which we lived in, Shelby County. The only public placement available was in the University of Tennessee's Child Development Center in Memphis. They were starting an experimental class for children with learning disabilities. However, since this Center was a considerable distance from my home and I had a younger child to care for I deceided not to place my daughter in this class but instead put her in a private school which at the time taught children with learning disabilities. She remained there for a period of two years in a self-contained classroom. Following this my husband decided to leave the Navy and we moved to Jackson, Tennessee in 1972. After moving to Jackson I consulted the Superintendent of the City Schools and was told there were no classes for children with my child's handicap. Thus, I again sought help from private schools. I located one in Jackson, The Episcopal Day School, which seemed to have an understanding and a willingness to accept my child's prblems. This was not a school just for children with learning disabilities but did listen and try to help my daughter. She remained there for six years until she graduated from the ninth grade (the last grade for that school).

2. Because my daughter's classmates from the private school which she had attended prior to graduation from the ninth grade, were enrolling at the local public high school, she also wanted to go there. Besides I was hoping that since the law for education of the handicapped had been enacted, my daughter would now receive a more appropriate program for her needs.

3. Prior to placing my child in the public school she was re-evaluated for special education. It was decided that she might be able to get along with a tutor on certain subjects rather than put her into a resource room. However, her math. teacher would not permit an outside tutor although he himself did not spend any extra time in helping my daughter understand her assignments or classwork. It was

similar in her other subjects. There was no support from her teachers. This year I have been told that an I.E.P. can, if I wish, be written for her. However, the only available resource is a study hall type class, designed to assist her with daily assignments. This is a mixed resource and not just limited to students with learning disabilities but has other students with many types of handicaps, such as, emotional problems, retardation, etc. I have consulted with the special education director about my child's program and the school's guidance counselor has met with me a number of times. Vocational subjects and programs have been discussed but nothing definite has been written.

4. There are no special programs designed for the handicap other than a part-time resource classroom. My daughter needs a specific vocational program which is unavailable at her public high school.

5. If my child were younger, I would say there would be more support available, but as a secondary student there is very little attention paid to the student who is mildly handicapped. Even students who have been in resource rooms in earlier grades are not followed-up when they reach high school. Special Education does not seem to play a very important role on that level. They seemed to be more concerned with getting the required number of credits in order to graduate than they are with the individual student. And, if a student just cannot seem to make it on their own, then it is all right if they drop out of school.

6. The vast majority of teachers both regular and special education, do not know how to write an adequate I.E.P. The forms are not uniform, the long and short term goals are not clearly stated, if at all, far too often the parent has no opportunity to make input. I have seen some that are barely recognizable as an I.E.P. There is a lot of confusion over who is suppose to write it and who is responsible for what. There needs to be quite a lot of in-service training on this topic, especially for regular teachers since they are just as much involved as the special education teachers. Also, more support in the form of consultants for the regular classroom teachers should be encouraged. Too often, a handicapped student is placed in a regular class and no assistance is given to that teacher. It isn't any wonder that teachers are starting to complain about "mainstreaming" of handicapped children.

## STATEMENT BY SYLVIA EVANS
## PREPARED FOR THE SENATE OVERSIGHT HEARINGS
## OF THE BUREAU FOR THE EDUCATION OF THE HANDICAPPED

My name is Sylvia Monroe Evans. I live in The Bedford Stuyvessant Section of Brooklyn, U.S.A.

I'm a community minded person serving my church, my neighborhood and attempting concerned involvement in the greater Brooklyn community. I am a member of the First African Methodist Episcopal Zion Church, the Neighborhood Block Association, The Community Planning Board, the Advocates for Children Parents Advisory Board, the Order of the Eastern Star, The American Postal Workers Union, Union Women, and have commitments to many other worthwhile organizations.

For the past 19½ years, I have made a career in The U.S. Postal Service, working with the Postal Womens Program and other work related programs.

I'm also the mother of two handicapped children. My oldest son, John Anthony Evans, is a 19 year old retarded young man who cannot speak and is presently in residential care at the American Institute of Mental Studies, in Vineland, New Jersey.

My youngest son, Rodney, is a 16 year old high school student who last attended a Class for the Emotional Handicapped at George Wingate High School, Brooklyn, New York. My children's special problems and special needs have certainly served a driving force to cause more and more involvement on my part in Special Education for the handicapped.

### Individualized Education Plan

The IEP, meaning the Individualized Education Program, might better be called the Inept Evaluation Process. I say this in all sincerity because before any sensible individualized plan can be formulated for a child, a complete and thorough evaluation must be conducted. Sadly enough, this is usually not the case.

New York State law mandates that each school district have a Committee on The Handicapped and, specifically, spells out the persons that should comprise this body. The Committee is charged with evaluating youngsters who may have a handicapping condition and providing them with a special education program appropriate to their needs. The New York City Board of Education has appointed subcommittees to perform this function that are coterminous with the school districts. Until September of 1978, my home district did not have a committee and youngsters had to be shuttled to neighboring districts for evaluation. These evaluations (with the exception of one) were commerced and concluded in one rushed morning. The child was hurried from one section to another in forty-five minute spans. After this arduous three to four hour process, the parent was given the "evaluation" and recommendation for the child. My son was evaluated on four different occasions by four different committees. Each committee characterized the recommendations of the preceding committee as:

1. misinformed
2. inaccurate or
3. failed to touch upon the main problems of the child and so on, ad infinitum

In preparing this testimony, I spent a morning reviewing all of the evaluations and individualized education programs I have collected over the years. It may interest you to know that child has been labeled in four different categories. A school psychologist, who has tested my son in three different programs has submitted three differing synopsis of his condition - all within a span of seven years. I can't help but wonder if I am living with a youngster who is buffering with a "Three Faces of Eve" syndrome or maybe just a plain Dr. Jeckyl and Mr. Hyde. Under such circumstances, I ask you if a meaningful IEP can be formulated. But I certainly have had experience with IEPs.

IEP's, as I have known them, are little more than a formality required by the law. They are as varied as the evaluations upon which they are evidentally based. For IEP's to be effective, we must examine the evaluation process. Parents need to know that they need not place their child in special education program if they feel that it is not appropriate.

My son was evaluated in April, 1978 and recommended for a class for the emotionally handicapped commencing in September of 1978. Prior to this he had been classified as neurogically impaired. Within one month of entering the class for the emotionally handicapped I was, yet again, informed that he was not properly placed.

And thus began the last chapter of the saga that is more or less responsible for my appearance here today.

I was called to the school and informed that my son could not meet the goals of his IEP and should be sent to yet another school. Shortly after I refused to transfer my son pending a complete

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private evaluation, my son was suspended from his school for behavior that was a manifestation of his handicap.

He fell victim to one of the worst ploys to deny a handicapped child his rights spelled out in such clear language under PL 94-142. My son was suspended from school for his failure to remain in the classroom for extended durations. Yet his IEP stated, as a goal, that my son would be able to remain at his desk for one full class period. The school suspended my son for its own failure to implement his IEP. The school did everything in its power to bar my son's readmittance. It was only after I 1) went to a suspension hearing for which I sought and received legal representation from Advocates for Children of New York, 2) in conjunction with Advocates for Children, submitted a formal appeal to the Chancellor of the city school system and 3) threatened to go into Federal Court to vindicate my son's rights that he was allowed to return to his school.

So, while my son did have an IEP, he was actually suspended from school based on their failure to achieve its goals. If we are to have IEP's, and we must, they must be more than pro forma, and taken seriously by all involved in the education of the handicapped. And it must be remembered that the effectiveness of the IEP is dependant upon sufficiency and accuracy of the evaluation.

## Least Restrictive Environment

The Least Restrictive Environment Section of PL 94-142 should, in reality, be the answer to the silent prayers of the parents of every child needing special education. Only the mother of the handicapped child knows the anguish of trying to answer with straight face and dry eyes, the innocent inquiry of the special child who asks "Mommie why can't I go to the same school as everyone else?".

The first thing the parent of a special child learns to do is lie, and by telling this lie to attempt to cushion the hard blows of reality that are, perhaps in time, inevitable.

The Least Restrictive Environment provision has on the surface eliminated, in most instances, the need for the lie. But let us look at the least restrictive environment, a concept intended to integrate or "mainstream", as the educators like to say, the special child into the regular grades wherever appropriate.

The least restrictive provision, a provision which has little or no real meaning in New York City, usually takes the following forms:

1. a few segregated classrooms located next to one another usually in close proximity of the dean's or principal's office.

2. classrooms that were previously used as shops, storage space, etc., being assigned to special education.

3. special education classrooms bunched together rather than randomly placed throughout the school building.

My two children have, between them, had special classes in nine different public schools. I would venture to say in only two schools did I find an exception to these general rules. Those two schools, incidently, seemed to me to be the only two schools that made a most conserted effort toward successfully achieving the intended goals. A special education program's success or failure often reflects the attitude of the Administrators of the school - an attitude that stems from the Principal on downward. If the administrators are open-minded toward the special education of the child and his needs for acceptance and equal opportunity for education, then the programs tend to prosper, and the children seem to thrive. If the Administrators' attitudes are at best, efforts of tolerance and minimal compliance with the law, the special education programs reflect that also and the child senses that he is not fully considered a part of the school. The indifferent administrator usually does not have Certification for Special Education, and views the child at best as a necessary nuisance or an interupter into an otherwise good school program.

Every school Administrator and Administrative Staff Member need to be re-educated to the age old scriptual quotation of "Suffer Little Children to Come Unto Me and Forbid Them Not". The Assistant Principal who initiated the suspension against my child testified before an impartial officer that:

1. he had no Certification for Special Education.

2. that he would, in fact, suspend from school any child who did not adhere to school policy; who did not get along well with his peers and teachers, and who had disruptive behavior regardless of the child's handicap. (He did not

> incidentally clarify just what he considered disruptive behavior.)
> When asked if he would suspend a blind child because he could not read the blackboard, he declined to enumerate any further, or to offer any further insight into his statement.

Just as the child is excluded, the parent is excluded from the P.T.A. or other parent involvement programs. You may join, of course, but you are soon informed that your problems are not theirs and you are not overly welcomed to this elite circle.

Am I saying then that Least Restrictive Environment is not in the best interest of the handicapped child? No, I am not, but what I am saying is that there is a great need for public education towards the handicapped child. Parents need a greater awareness of their children's rights.

The materials that are supposed to inform parents of their rights are, as a rule, badly mimeographed and hastily explained by the school. New York State publishes an excellent synopsis of one's right under the law, yet as a rule, this pamphlet is not distributed to parents. I received my copy from Advocates for Children.

The average parent of the handicapped child actually thinks that they must accept placement wherever offered; that they have little or no recourse; and that the public school is doing them a favor in teaching their child in any environment whatsoever. No matter what the school systems say, I say the handicapped child must not be denied as complete an integration into the mainstream, as appropriate to his needs - rather than place him according to the needs of thos mandated to serve him.

Schools must be made to comply with integration or mainstreaming of the handicapped child wherever and whenever possible. I can think of no intelligent reason why an emotionally handicapped or nuerologically impaired boy or girl cannot play basketball or participate in dance sessions or singing sessions with the brightest of students. It's a rare school where this is encouraged.

My feeling is that the handicapped child should not be socially removed from his normal peer. For years I have watched with special interest the development of two youngsters - one, my son, who at different times, has been classified as Brain injured, Nuerologically Impaired or Emotionally Handicapped and is presently in an 11th grade class for the emotionally handicapped and the other, my baby sister, who is not handicapped and of above average intelligence, and just graduated from Brooklyn Tech High School, which we all know as one of the country's finest schools. Yet there are definite parallels not only between these two youngsters but also between all youngsters in the neighborhood whether or not they are handicapped. These include:

1. They all want to stay out late
2. They all want to smoke cigarettes
3. They all play music loud enough to deafen any person over thirty years of age.

This tells me, that in certain areas, all kids are the same. It tells me that the handicapped child must experience mainstreaming if he is to function in our society. It tells me that he must learn at an early age there are other people in his world. How then can this be achieved unless Least Restrictive Environment is mandated and meaningfully effected in our schools.

In conclusion, I would like to say I have had the opportunity to read PL 94-142 and feel with all sincerity it is, without a doubt, the finest law ever legislated to protect and insure education for the handicapped. However, laws, no matter how well written, are no better than the applied interpretation.

PL 94-142 must not be allowed to have superficial application which will do little more than placate public concern on education on the handicapped. The law must be monitored, the law can work and the law must work. For if we do not insure education for the handicapped, very shortly we cease to insure education for the non-handicapped and shortly after that, we will cease to insured education.

As a parent, as a citizen, I am concerned and committed to the impartial application of PL 94-142. My commitment towards this goal is unending. I can best express this commitment in the words of Robert Frost "For I have promises to keep, and miles to go before I sleep, and miles to go before I sleep".

Mrs. Sylvia Evans
99 Mc Donough St.
Brooklyn, N.Y. 11216

August 10, 1979

Senator Jennings Randolph
Chairman
Subcommittee on the Handicapped
Room 4232
Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Evans:

I am pleased to send you the answers to the questions which were submitted to me after my July 31st participation in the oversight hearing on P.L. 94-142.

I was pleased to have this opportunity and I hope we will all be able to one day take pride in what we provide for all handicapped children.

Rather than repeat the questions I shall answer them by first referring to your heading for each set and then your numbers.

In my testimony, I stated that I am the mother of two handicapped children. My answers below will at times refer to both children, as some questions relate to both. My oldest son, John Anthony Evans, is in Residential care at the American Institute of Mental Studies, Vineland, N.J. My younger son, Rodney, attends special classes for the emotional handicapped at Wingate High School Brooklyn, N.Y. Where an answer relates to only one of my son's, I will so indicate.

Sylvia Evans Questions

Questions

1. My son John Anthony Evans has been at American Institute of Mental Studies (A.I.M.S.) since 1977. I feel that this placement adequately serves his needs. Although his educational needs were met in a less restrictive setting, it was my decision to seek residential placement for his overall safety and well being.

2. In regards to my son in residential care the evaluation was done at Kings County Hospital Diagnostic Center, Brooklyn, N.Y. The evaluation team consisted of Pediatricians, Psychologists, Psychiatrist, and a Social Worker. The child was evaluated by three separate teams, only then was my request for a recommendation for residential care complied with.

2. Regarding my younger son Rodney, who has been evaluated by C.O.H. several times, these committees were comprised of a Psychologist, Social Worker, committee co-chairperson, a parent and sometimes an educator. I cannot truthfully say that I know the procedures used. In fact, the procedures were not usually discussed with me. in any meaningful detail.

3. When my son, Rodney, was suspended from school I took the following steps:

   1. Hearing: Before impartial officer with legal representation from Advocates for Children of New York (AFC).

   2. Appeal: to the Chancellor of New York City Schools, after suspension was upheld, by AFC on my behalf.

      Our appeal was based on the fact that Rodney had been suspended for the very same behavior which the program was supposed to change. Although the IEP acknowledged the need to change this behavior, the school had failed to follow through on his educational plan.

   3. Notification to the Chancellor of New York City Schools by AFC of intent to go into Federal Court under P.L. 94-142. The outcome resulted in my son's return to school.

4. This has two parts as it applies to each of my children.

   A. John Anthony Evans:

      His entire program is based upon supervised residential care and activities relative to his needs and development. At this time, Anthony requires careful supervision for his safety.

   B. Rodney:

      None of his school day is in regular classes, and I do not feel the basic intent of the Least Restrictive Environment provisions are being met. The school has never discussed nor considered any kind of mainstreaming. They have never given me any reasons to believe their goal was for even minimal mainstreaming.

5. The indifference of some school administrators towards Special Education classes hampers success from the onset. The Special Education child is segregated into classrooms identified as the special education wing and isolated from school activities, the program is doomed from the start. Most administrators have no understanding of nor training for working with these children. They see all these children as dangerous and uneducable, regardless of documentation to the contrary. There is no feeling of ownership toward these classes. Although, with the falling off of the school population, many administrators have seen these classes as a means to keeping the building open - thus preserving their positions.

6. To my knowledge in the New York City school system only the C.O.H. and the Special Education teachers are concerned with informing parents of their rights and this is not usually extended to any great lengths.

## Sylvia Evans - I.E.P. Questions

The answers below on the IEP will refer to my son, Rodney. Since John's placement is out of State, the distance does not allow the personal, immediate contact I would like. However, John's school keeps in constant contact with me. I agree with the educational plans and services offered. I visit the school as often as possible and John comes home for holidays. New York does not have an appropriate school at this time.

RE: Rodney Evans questions on IEP.

1. Yes

2. I became involved in his IEP in 1977. I was notified by the Special Education program Director for his school.

3. The program teachers and aides.

4. No.

5. Yes, yes

6. At the first IEP conference, the teacher developed the IEP. I was not informed of my role and the purpose of the IEP. I felt annoyed I had taken time off from work since the process did not make any sense. At later conferences, after I had become aware, through other than school personnel, of the importance of the IEP, I helped develop the plan. But since the school never followed through on the goals, my son was suspended.

7. Meeting with the Special Education teachers and conferences with the program director which were all hampered by the undue pressures brought to bear by the school administrators. Although I did follow up, I was not aware that they were not doing what they said they would do.

8. No.

9. The quality of the education varies from school to school, program to program. How good the quality of education is, here again is directly related to the attitude of the schools administrators and their implementation of the law. Obviously in my son's school the intent of the law is ignored.

10. More involvement of the parent in realistic and meaningful goals, both short and long term. Goals which the parent can actively aid in developing. There should also be annual review of the goals of the IEP as mandated by the law. In instances where the child might meet the short term goals earlier than projected, there should be some type of further updating of goals with parental involvement and encouragement to the child so as to positively reinforce his improvement. The goals should be able to be stated in such a way so that parent and teacher can judge as to whether or not they have been met. If goals have not been met, the school must notify the parent in a timely fashion, the goals and the teaching must be re-evaluated and different approaches to the achievement of the goal should be implemented.

11. None.
    My child receives therapy from a private agency for which I am solely responsible. In my son's first school therapy was provided. It has never been provided nor offered since then.

12. Much the same as stated in answer to question No. 10:

    1. Annual review of I.E.P.

    2. Timely review of short term and long term goals.

    3. I.E.P. developed in layman's language so that the parent and the child might fully understand the objectives.

    4. Related services supplied where needed.

    5. Training for parent and school staff.

    6. Constant outreach to parents, who frequently have been turned off by the school's attitudes.

Sylvia Evans - L.R.E.

1. That the child might develop in as close to a normal atmosphere as possible with as near total intergration into the school as possible. I feel the intent is to help the child with special problems so that he can function at his potential in the mainstream.

2. RE: John Anthony Evans:

   Here again this does not readily apply as his condition mandates at this time a protective environment. I will not apply any of these LRE questions to him.

   RE: Rodney Evans

   Questions 2 through 10.

2. None.

3. No.

4. None

5. Not applicable

6. Not applicable

7. Not applicable

8. The problems arise in the isolation of the Special Education youngsters. As I stated in my testimony of July 31, 1979, page 4:

> "The least restrictive provision, a provision which has little or no meaning in New York City, usually takes the following forms:

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1. A few segregated classrooms located next to one another in close proximity to the dean's or principal's office.

2. Classrooms that were previously used as shops, storage space etc. being assigned to special education.

3. Special education classrooms bunched together rather than randomly placed throughout the school building."

Now what happens here is that the non-handicapped child soon knows that these classes are for children that are "different." (They think of the Special Education child as crazy or a retard.

I know a neurological impaired elementary child who, after being in a regular class for several months, was asked by a fellow student in innocent candor, I know now you are not crazy or a retard. Are you a fairy?")

So as children naturally will, they peek in the doors, stare at the Special Education child, make unkind remarks. Is it because the non-handicapped child is mean or unable to accept the handicapped? No, it is simply because he has been told that these youngsters are different.

9. Special Education teacher.
Classroom aides.
I have not been told what proportion of responsibility they have.

10. In New York City this problem seems to be just the reverse. Children who might well be maintained in regular classes are dumped into special education.

Sylvia Evans (FAPE)

1. Adequate individual education provided for out of public funds for education.

2. This list could possibly be unending but for starts:

   a. after school work
   b. work-study programs
   c. social programs
   d. Earn/Learn Programs
   3. Summer programs at colleges in/out of State, of younger children just to mention a few.

3. The quantity of education has meant more programs, more staff and more funding. The quality on the other hand, again reverts to the individual school and program. There are not uniform standards.

4. In New York City well over 50,000 children have been culled out and identified as needing special education in some manner. This has only touched upon the problem. Now that it is mandated to provide for special children, every conserted effort must be made to correctly identify and render appropriate placement for these children and those not yet served.

5. There are some limits on reimbursement to parents for private school placements. I cannot quote percentages. An example is the League School of Brooklyn where parents are required to be involved in fund raising projects to help support the school. The parent of the more severely handicapped child is frequently encouraged to put the child in residential placement rather than bring servies into the community.

6. On a score of one to ten I would rate New York City's school system at about (4) with a footnote commending those few and far between individual Special Education teachers, program directors, and an even rarer school administrator who are facing a tide of insurmountable odds in trying to oversee the quality of Free Appropriate education to the Handicapped child in New York City.

Sincerely,

Sylvia Monroe Evans.
as per F. Mercado

Sylvia Monroe Evans

# THE EFFECTS THAT LABELLING MAY HAVE ON THE HANDICAPPED CHILD IN THE HELPING PROFESSIONS

by Kenneth Robert Gilbert

This short paper which is before you deals with the effects that labelling may have on the exceptional child in the helping professions, such as the teaching profession, the social work profession, and the manpower agencies. In discussing the effects of labelling I hope not only to expose the cynicism and prejudices that exist in these professions, but to also develop new confidence in the ability of these professions to understand the exceptional child's needs as a whole person.

This paper is my personal account of experiences with the helping professions. I should state however that my exposure to the helping professions began in 1958, when I was placed in the opportunity classes for the Educable Mentally Retarded (EMR) in the Province of Ontario. Through the following twenty years I have had much consultation with teachers, social workers, and employment agencies in regard to the "labelling factor" that exists in these professions. The purpose of this paper is not only to expose the cynicism and prejudices in these professions, but to explain the closeness that is needed by these professions to help the handicapped regain their self-worth and dignity as a whole person in our society.

In doing this I have divided this paper into four major parts. The first part deals with "Robert's Experience as a Handicapped Person." In this part I will discuss briefly my personal experience in EMR classes in the Province of Ontario. The second part deals with "The Not So Helping Professions". In this I plan to look critically at three helping professions which deal with the handicapped:

A. The Teaching Profession, in particular, Special Education. I will discuss briefly the negative labelling that teachers unconsciously project on their students, especially the handicap's learning environment.
B. The Employment Agencies. I will discuss briefly the process of screening and categorising the handicapped in terms of job potential, in the context of "The Winners and Losers". I will explore the effects that cynicism and prejudice have on the handicap's self-esteem.
C. The Social Work Profession. I will discuss the effects that negative referral has on the handicapped.

The third part of this essay deals with "How My Christian Faith Made Me Victorious" over the labelling affects that I faced. The final part of this essay deals with how the helping professions can "Turn Failure Into Success" for the handicapped, in which I will give some basic guidelines to develop a new confidence in their own ability to understand the needs of the handicapped.

## 1. Robert's Experience as a Handicapped Person

Diagnosed as an epileptic as a child, I lost much time from school due to sickness. My parents, who lived in a small town, were advised by the town principal of my need for special education, which could be provided only in a large city. In the summer of 1958 my parents moved to a large city in Ontario where special education was available. After some consultation with school boards, it was agreed that I should be placed in the class for the Educable Mentally Retarded, in which I stayed for six consecutive years. My placement was directly based on test results.

After spending two years in these classes I began to complain to my parents and teachers of my inability to learn in these classes, and that I wanted to be transferred to another school. But every effort I made for transfer was denied. The following years confirmed that Special Education was a place where both teachers and students abandoned hope.

Near the end of my elementary experience, I was placed in a vocational school to learn a trade. My desire at that time was to attend high school, but the school officials did not consider this advisable, with which my parents agreed. My experience at the vocational school was limited due to epilepsy, and in many cases I was not permitted to work in the shops. The reading lab was helpful but the rest of the time seemed [redacted] wasted.

After one year at vocational school, arrangements were made for my entrance into the outside world. My experiences in Special Education had left me with some delusions about life, which were rudely awakened with my entrance into the outside world. This led to the moment of truth: that I was not only a victim of ignorance and misinformation, but my placement in those classes labelled me with their stigma.[1]

With my entrance into the outside world, I soon became aware of the cynicism and prejudices that certain people had toward exceptional children. My applications for employment were denied in most cases. Employers were reluctant to take responsibility for the employment of the exceptional person, even when attempts were made to find employment through the federal government manpower centers. I find that the process of screening and labelling is very negative toward job potential. In many cases the process of classification and labelling in federal manpower centers had devastating effects on my self-esteem. It seemed that the manpower centers sought to project a good public image in the eyes of industry by screening out those individuals who had low marketing potential. This resulted in very few employment opportunities for me.

Convinced through my own personal experience that I had been rejected and despised by people because of cynicism and prejudices, I began to search for acceptance so as to relieve the loneliness and alienation which people had unjustly placed on me. Life as I saw it was not worth a nickel. In the summer of 1962 a group of young people led by Stan Leon began to penetrate Rexdale, proclaiming that young people could obtain eternal life. It was during this period that I became friends with Stan Leon and the Crusaders for Christ. Many times I was invited over to Stan's home for fun and fellowship in Jesus Christ.

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[1] Robert Gilbert, "The Stigma of Special Education" Defence Mental Retardation NIMR York University, Toronto, Jan. 1977.

Through that summer, bridges of friendship with Stan Lyon and the Crusaders for Christ had strengthened. ~~In that~~ I not only became a regular attendant of Crusades for Christ, but began to attend the special evangelistic rallies that Stan held throughout the Province of Ontario.

In the fall of that year Crusaders for Christ made arrangements to attend one of the special rallies at Knox Presbyterian Church in Toronto to hear Dr. Leighton Ford. On the Friday night near the close of the rally, Crusaders for Christ came to Knox Presbyterian Church. It was that night that I was challenged by Dr. Ford's words, that no one could possibly fight and win this battle except by believing that Jesus Christ is truly the Son of God.[2] Having been squarely confronted with my identity in Jesus Christ, I began to understand what it means to be created in the image of God with both worth and dignity. Dr. Ford's message of love, self-acceptance, and security went deep into my life. For once I understood that God loved Robbie so much that he gave his only Son so that Robbie who believes in him shall not perish but have eternal life.[3] As I accepted Christ into my life, the power and grace of God gave me a new illumination in my life that I had never had had before, that God loved me with all of my hang-ups and handicaps I may have in my life. I was accepted and loved by God himself, which in turn helped me to accept myself and others. Which in its turn gave me a foundation to deal with the hang-ups and handicaps of my past.

From that experience in 1962 my life took on a new destination because of th meaning and purpose in life that Christ gave me. My problems which I faced, such as the labelization and stigmatization of special education, as a handicapped

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person were dealt with concretely. The struggles and the difficulties which I faced and the victories which were accomplished can only be attributed to my acceptance of Jesus Christ into my life.

Because I had spent six years in the class for the educable mentally retarded and was faced with innumerable problems of labelling from the outside world my sensitivity to the stigma of cynicism was cushioned by continual committment to Christ. Whenever I received cynicism and prejudices from the people in the social services, my committment to Christ affirmed that I was created in the image of God with both worth and dignity, which made me victorious in the midst of suffering. God's love gave me a strong sense of security in life, that I was loved and accepted by God himself, which laid the foundations on which I could learn to accept myself and come to terms with the problems of my own handicaps. This acceptance gave birth to the fighting spirit to overcome the obstacles of my past, and face the future with a spirit of humility.

Having this positive perspective in my life now, I began to look for any type of job I could find, despite the double disadvantage of not only epilepsy, but also the stigma of Special Education. Nonetheless, I began to work wherever I could. I also began to attend night school, only to find disagreement from the welfare department and the employment agency for this action. It seemed that these agencies had preconceived my potential in life. Therefore, when I had overachieved their prospective I was ostracized. At one point the welfare department sent me to a psychiatric institution for assessment: my drive for higher education appeared totally unreasonable. But the institute found me normal.

After three successful years at night school, I was granted permission to enter grade 10. When I attempted to return to day school, however, I encountered much trouble at home, and had to pursue night school only. Working at various unskilled jobs to support myself, I completed high school at age 26, and entered McMaster University in the fall of 1972.

Today I have completed the requirements for a Bachelor of Arts degree in Religious Studies. I then worked a year, before entering Gordon-Conwell Theological Seminary for a Master of Divinity degree. To date, I have completed nine credits in that program, and hope to someday be an evangelist.

2) The Not So Helping Professions

A. The Teaching Profession

Understandably, through my experience I have a number of strong opinions about education and particularly special education. Especially when it deals with the labelling and stigmatization of the exceptional child in these classes. My own thesis is that the teacher's own expectation will determine the effects of labelling on the child's performance in the classroom. As a person who has experienced the labeling process in Special Education on a first-hand basis, I feel that it should be said that many teachers have a low profile of the child's performance, because they see the child in a "failure role" ~~is~~ can unable to obtain the same potential as a normal child. This results in the "failure of goals" set by the Province or State in special education. Whenever a teacher reinforces a child's failure in school through attitudes and modes of posture, the child re-enforces its failure by accepting a "failure role", which results in the child's lack of motivation and self-acceptance as a worthwhile individual in a society.

B. The Federal Employment Profession

My personal encounter with the federal employment agencies as a handicapped person is somewhat negative. Based on the experience of categorizing and screening exceptional individuals for employment. It seems that there was a common conceptual confusion about the proper labelling of the handicapped for employment. Many counsellors did not know how to respond to my need, because they did not conceive me as an individual with an exceptional problem. Whenever the counsellor sought to preconceive the type of label I might have, so as to categorize me for employment which I did not feel was fitting, I felt uneasy and misunderstood, which defeated my self-esteem. It seemed that the manpower agencies were more concerned with their public image in industry than with helping those who wanted jobs. After many repeated tries to find suitable employment through the federal employment profession, the federal manpower turned me over to the welfare department.

## C. The Social Work Profession

My encounter with the welfare department is a very negative experience. After having a totally defeating experience with the manpower agencies and my referral to the welfare department, I found myself going from one failure to another, in that I had to be totally dependent on this social service. All the previous avenues for employment in the past were closed to me, which gave this agency total control of my life. All the avenues I had used in the past were severed from me by the department. This first gave me a strong positive trust for this profession, but that did not last long.

It seems that the responsibility of this department was to reform me in the way all other helping professions had failed. The atmosphere for counselling seemed very positive. This agency had accepted my plot in life, and was willing to help. But the complete power of this profession limited its effectiveness. This agency made one big mistake which made me refuse their help. They had already preconceived my life through a thick file of correspondence which they received on me from other helping professions. This reinforced the cynicism and prejudice in the welfare department. It seems that the correspondence which they had received over those months would be the battering ram against me. When I had decided to go to night school for another year, I received much criticism. At one point I was sent to a psychiatric institute. When the welfare department received the medical assessment of normal, their recommendations still found deep disagreement from my ideas. It seems that the welfare department had preconceived my potential from a file of past attempts, rather than looking at the person present before them.

The biggest problem facing the helping professions is "listening," which is the key to sucessful counselling. Many of the helping professions that I have mentioned are not "listening" to what they are "hearing," but rather are "hearing" what they want to "listen" to. This is the total defeat of any counselling situation, especially in the helping professions.

### 3) How the Christian Faith Helped Me be Victorious over the Effects of Labelling

In reflecting briefly on how the Christian faith helped me be victorious over the negative effects of labelling in my past, it should be stated that when I realized that God loved me with my handicaps and all, I began to love myself a and accpet myself as a worthwhile individual, which in turn helped me to accept others. The Bible states in Matt. 22:39, "that you are to love your neighbor as yourself." Jesus is basically stating that without self-love there can be no love for others. We must learn to let ourselves be loved by the power of God if we are to give love to others in return. If we have not learned to be loved the b we have no love for ourselves or others. The Bible also states in Jer. 31:3, "The Lord appeared to us in the past, saying 'I have loved you with an everlasting love. I have drawn you with lovingkindness.'" This in its essence is saying that to love and be loved as worthwhile individuals comes with acceptance of God's love in ourlives, only then can we learn to accept ourselves and others because we have an expanse of love to give to those in need. Through reading the Bible God not only showed his love and acceptance, but motivated me to be responsible as a loved individual, which awakened self-worth and self-esteem. This became the basis for coming to terms with my own handicaps, because of the strong source of security God gave me in my life.

4) Some Positive Guidelines in Helping the Handicapped

One of the first priorities and keys to counselling the handicapped is to be a good "listener". Be very responsive, to both what you are "listening" to and what you are "hearing" from the handicapped person. Many times I personally felt that the counsellor did not try to find out where I was because they were not listening.

The counsellor who is working with the handicapped should always know theirself. Get to know your personal weaknesses; share them with others as a way of obtaining victory over personal shortcomings. Having an understanding of oneself is totally necessary for a healthy counselling situation.

Know how to relate self-worth and dignity to the handicapped person, who lacks this basic sense of security. Love is the "key" to opening the locked doors of cynicism and prejudice. Many of the counsellors which I had were too harsh in their approach. Always have a relaxed atmosphere when counselling the handicapped. Be prepared to respond positively to their needs. A counsellor should always share with instead of [illegible] "at" the client. One of the keys to good counselling is to apporach the exceptional individual on a friend-to-friend basis. You will be surprised at the results you may receive.

When helping the handicapped person, always keep the lines of communication open. Be most critical toward yourself, rather than toward the exceptional individual who is coming to counselling. If you fail to do this, you may sever a good counselling situation forever. Be sure to not hold any bias that will turn the exceptional individual away from your profession. Do not get in the rut of looking at the handicapped individual as an under-achiever or an over-achiever, but as an individual who has a high potential and is responsible because of the power of love in his life.

An awareness of and respect for the human feelings and ambitions of a handicapped person are the premises essential to the building of a truly helping profession.

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United States Senate
COMMITTEE ON FINANCE
WASHINGTON, D.C. 20510

July 31, 1979

Received
Date 7-31-79
Subcommittee on
The Handicapped

The Honorable Jennings Randolph
Chairman
Subcommittee on Handicapped
3203 Dirksen Senate Office Building
Washington, DC

Dear Jennings:

I hope you will make the attached letter from Mr. and Mrs. Joseph M. Grkman, Jr., a part of the record of testimony before your Subcommittee on the Handicapped.

With warmest regards,

Sincerely,

John Heinz
United States Senate

JH/hgk
Att.

Library, PA 15129
May 29, 1979

The Honorable H. John Heinz, III
Suite 443
Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Heinz:

We are writing to ask your help in a matter of deep concern -- the misuse and abuse of Public Law 94-142 (The Education For All Handicapped Children Act of 1975). This is a well-intended law, but it is being used to deprive the rights of certain hearing-impaired children. The situations concerning several students of the De Paul Institute are of particular concern to us.

The De Paul Institute offers a model updated nonresidential quality program in aural/oral deaf education. We have seen, time and time again, students of the De Paul program being uprooted and put into various Intermediate Unit programs with P.L. 94-142 being used as justification. The uprooting is being done by the Intermediate Unit administrators. The students had been very successful in the De Paul program (as admitted to even by those doing the uprooting). The reason for removal -- the Intermediate Unit has a program (not necessarily similar or of the same quality as the child now has) but they need some students to assure continuation of their program. They use P.L. 94-142 as their justification, stating that this law mandates that students be placed in an appropriate program -- appropriate meaning (in their terms) that the local Intermediate Unit program is one step on the hierarchy above the state approved private school program such as De Paul's.

The Intermediate Unit is taking students from a proven successful program (one in which students and parents are totally satisfied) and putting these students in another program hoping that the child could also be successful in the other program. The most that the child can hope for, by this uprooting, is a program in which he could attain to the same levels of progress as he was already making in the De Paul program. It [illegible] questionable if he could even attain this. So, at absolute best, the child will [illegible] break even. More often he will lose.

The intent of P.L. 94-142 was never to uproot students from a successful program. The intent was to provide programs for the unserved and underserved. Certain people have manipulated P.L. 94-142 for their benefits and not the best interests of the child.

P.L. 94-142 offers us an impractical way to solve the problem -- if we do not agree with the Intermediate Unit placement, then go through a due process hearing. We have tried this for the past years but to no avail. Parents have been continually harassed through the due process system. Most parents cannot afford the expenses of this avenue and none of the parents can afford the traumatic experiences of such hearings, appeals, etc.

We have tried to work within the system to remedy the problem. The cards are stacked against us. (For example -- when you are dissatisfied with your local Intermediate Unit's decision, the law states that an "impartial hearing officer" will conduct a due process hearing and make a decision. The "impartial" officer will often be an employee of the Intermediate Unit from the next county. How could he possibly render an impartial decision?)

We feel the only way this problem will be resolved is through legislation. We want to see P.L. 94-142 somehow amended so that students will not be uprooted from successful programs without the consent of parents. The parents of handicapped children have a most difficut strain placed on them by the nature of their children's handicap. We are very thankful that there is an excellent program such as De Paul's to help our children. We do not want our children uprooted from this program simply because of certain individuals misuse and abuse of P.L. 94-142.

Please help us in every way possible to overcome this problem. We would also welcome the opportunity to meet and discuss the problem with you at your convenience.

Sincerely,

Mr & Mrs Joseph M. Grkman, Jr

Mr. and Mrs. Joseph M. Grkman, Jr.

P.S. Attached is a list of individuals who share our concern.

Senator **Stafford**. If panel members will contact the staff before you leave, the questions that are prepared will be presented to you.

And the Chair will close this hearing with the announcement that there will be further oversight hearings this fall, probably in October. The exact time and place have not yet been determined. But I assure you the hearings will be held.

And so, for the time being, the Chair is going to adjourn the subcommittee pending call of the Chair, and the subcommittee therefore will now stand adjourned.

[The subcommittee adjourned at 11:31 a.m.]

# OVERSIGHT ON EDUCATION FOR ALL HANDICAPPED CHILDREN ACT, 1979

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MONDAY, OCTOBER 1, 1979

U.S. SENATE,
SUBCOMMITTEE ON THE HANDICAPPED,
COMMITTEE ON LABOR AND HUMAN RESOURCES,
*Washington, D.C.*

The subcommittee met at 9:47 a.m., in room 4232, Dirksen Senate Office Building, Senator Jennings Randolph (chairman of the subcommittee) presiding.

Present: Senators Randolph and Stafford.

Also present: Senator Hatfield.

## OPENING STATEMENT OF SENATOR RANDOLPH

Senator **RANDOLPH**. A pleasant morning to all of you.

We have a panel that I would like to ask to come now to the witness stand, Mrs. Pam Rogers of Grafton, W. Va., also Mr. and Mrs. Leonard Mossman.

Now, Joyce will be testifying but we would be very happy to have Leonard sit with the witnesses.

Senator Robert Stafford, of Vermont, who is the ranking minority member of our subcommittee, plans on being here, and I know he will come as soon as possible. The Senator is intensely interested in the testimony and is very active in the work of our subcommittee.

We wish today not only to welcome but to thank those persons who are to present statements and to answer questions.

We are also grateful for those policy people who are our guests, not only for this hearing but often as we discuss matters of concern and commitment and programs that benefit the handicapped.

. A particularly warm welcome to those of you who are here to present testimony as witnesses in today's hearing and also to those who will be following these important proceedings.

This is the fourth in a series of hearings expected to continue throughout the first session and into the second session of this Congress on the overview of Public Law 94-142, the Education for all Handicapped Children Act.

As you know, the intent of this law was to secure for all handicapped children their right to a free appropriate public education. As with much new legislation the early stages of implementation of Public Law 94-142 have been beset by problems which have been both substantial and numerous. This, however, has not lessened our high sense of commitment.

It is the hope of this subcommittee that these hearings will increase our understanding of these problems. Our purpose is to provide you with a forum for expressing your concerns. The testimony presented at these hearings will highlight issues and outline recommendations. Upon completion of the hearings we will call on parents, teachers, institutions, and organizations to work with us to improve educational services to America's handicapped children.

I assume that Senator Stafford will perhaps have an opening statement which we will place, without objection, following the statement of the chairman prior to the beginning of the testimony.

Now, Mrs. Rogers, you are our first witness, and you come from Grafton. Grafton, at one time, was perhaps our best known railroad center in West Virginia. That was a long time ago.

We know you come today as a parent, as one who has experienced a situation and that you want to help us. And we are very grateful that you have come.

If you will begin in your own way and discuss the matters of concern to you, your feelings about what is being done, what should be done, this will be very helpful as we begin our hearings.

Thank you very much.

## STATEMENTS OF MRS. PAM ROGERS, PARENT, GRAFTON, W. VA.; AND MRS. JOYCE MOSSMAN, PARENT, HUNTINGTON, W. VA., ACCOMPANIED BY LEONARD MOSSMAN, A PANEL

Mrs. **Rogers**. I am extremely honored to be here and to testify on behalf of my deaf son, who is now 5½ years old, and on our experiences with education and Public Law 94-142.

First of all, as Senator Randolph mentioned, I would like you to know that I am from Grafton, W. Va. Grafton is the county seat of Taylor County. We are a small county situated in north central West Virginia.

When my son, Scott, was about 16 months old, he had not yet developed any speech. He did cry and laugh, but he did not try for any other vocalization. The only clue we had to the fact that there was definitely a problem was that he would try to imitate your mouth movements but these were not accompanied by any vocalization.

We took Scott to the West Virginia University Medical Center at Morgantown, W. Va., which is about 32 miles from our home. There he was diagnosed as having a neurosensory hearing loss which had rendered him profoundly deaf since birth. As any mother would be, I was devastated. I had no idea where to turn or what to do next.

Before Scott and I left the hospital that day, Dr. Philip Sprinkle, head of the ear, nose, and throat department, talked with me and sent us to the social service department to apply for crippled children's services. He also arranged for Scott to be fitted with a hearing aid and for him to begin attending speech therapy classes at the medical center. The speech therapy classes were scheduled for 3 days a week and for 1 hour each session. This became our routine for the next 12 months.

For quite some time, no one mentioned school. All I knew at that time was the West Virginia School for the Deaf and Blind at Romney, W. Va. One day, the audiologist mentioned a school in

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Pennsylvania. This was an oral school for the deaf, and accepted children as young as 2 years old. There is no manual communication used with them. I inquired about the cost of such a school which, to my surprise and relief, was more than we could possibly afford, I also discovered that if you did not live in the area or could not transport your child to school daily, they lived with a foster family in the area. I did not want this at all. I wanted my son to live with me so that I could watch him grow and give him all the love and affection that was due him. I know that it was at this point where I became deeply committed to making sure that Scott was educated in our own hometown or at least some place close where he could come home each night to parents who loved him and a brother who was very proud of him. I firmly believe the handicapped child should remain with his natural parents, if at all possible. The emotional bearing that being sent away to school may have on this child as he grows older is a very deep concern of mine.

I joined a group of parents who also had deaf children in Clarksburg, W. Va. In early August of 1976, at one of those meetings, I first learned of Public Law 94-142 and the fact that my son, as well as all handicapped children, had a right to a public education. Mr. Glen Mathews, who was chief of services of the deaf with the Department of Vocational Rehabilitation, Charleston, W. Va., spoke to the group and mentioned Public Law 94-142, and explained that our children had rights. After the meeting, Mr. Mathews and I further discussed Public Law 94-142 and the fact that at that time I knew of one other deaf child in Taylor County. I told Mr. Mathews that I was afraid that it would be almost impossible for me to obtain an appropriate education for Scott. Mr. Mathews encouraged me to be optimistic and to go to the superintendent of schools and discuss this matter with him. This encouragement was just what I needed to give me the drive to keep the commitment I had made with myself.

By now Scott's frustration with trying to speak was becoming almost unbearable not only for him but for myself also, so I decided sign language would give us a way to break the communication barrier and would relieve Scott of some of the frustration he must feel.

In late August 1976, I contacted the vocational rehabilitation counselor in Clarksburg, W. Va., and found that she was teaching a course in sign language. I immediately enrolled and took two semesters in this course. It was amazing the way the frustration level began to lower in Scott once he knew that he could communicate with me and some of the other members of our family. At this time, Scott was 2½ years old and was enrolled in the Headstart program in Taylor County. When I enrolled him in Headstart in August of 1976, it was merely for the fact that he would be in contact with other hearing children and adults and would learn how to deal with persons outside the family unit.

Just before school started that year, I heard a rumor that Taylor County had employed a teacher of the hearing impaired. I phoned Mr. Ronald Dellinger and asked if this were true. He told me that what I had heard was correct, so I arranged for a meeting with him. When the day arrived for my meeting with the superintendent, I had mixed emotions as to what the outcome of the meeting might be. Present in the office of the superintendent, Mr. Ronald Dellinger, were Mr. Glenn Everly, director of instruction, Mr. James Smith, director of personnel, special services and treasurer, superintendent Dellinger, and myself.

I began to explain the reason I was there. I told them of the fact that Scott was prelingually deaf and that his education was now already behind as far as his language development was concerned, and I hoped they could help me and Scott by allowing the teacher of the hearing impaired to have sessions with Scott at least twice a week. I went on to let them know that I knew of Public Law 94-142 and my son's right to a public education. I also told the three men that I had taken a sign language course and was willing to go to school with Scott every day and be a private interpreter for him if that was what it would take to keep him at home with his family and to secure a proper education for him. They all agreed with what I said and commented that they could understand my feelings. Mr. Dellinger told me of the hearing impaired teacher, Mrs. Kathleen Waitkus, and the three men all agreed that it would be all right for her to work with Scott for as long a length of time that his attention span could handle. At this time he was, in reality, a public school child at the age of 2½.

As I was leaving the office that day, Superintendent Dellinger commented to me that at any time I was not satisfied with the services being given Scott or if I wished that something be added to the program, just to come and ask. I came away from that meeting realizing two things (1) I had made progress toward my son's public education, and (2) I also knew that I was dealing with a very special school board because Public Law 94-142 states that "A free appropriate education be provided to every handicapped child between the ages of 5 and 8," and my son, at this time, was only 2½.

The school year of 1976-77 was relatively uneventful. Everything went along very smoothly. During the summer of 1977, I again requested a meeting with the same three men, Mr. Dellinger, Mr. Everly, and Mr. Smith. I had felt for some time that Scott was ready for a more controlled environment. I went to the meeting with the three men previously mentioned, and expressed these feelings. I also told them that in Scott's best interest I thought that early childhood would be the answer. At this point, Mr. Everly spoke up and said that he had been to the Headstart center and observed Scott, and that he agreed with me that he was ready for a more controlled environment. Now, Scott was on his way to Early Childhood at the age of 3½. I also inquired as to whether Scott would have the use of the auditory trainer. All three men assured me he would have the use of the auditory trainer. The auditory trainer is an FM system designed for use directly between student and teacher or whomever might be wearing the microphone. We went along discussing Scott's future as far as education was concerned, and I explained to them that I did not want Scott to be pushed through school simply because he was handicapped. I wanted him to become a self-sufficient person who could provide himself an above average life style, and he could not achieve this without a good education. Once again, at the end of this meeting, I was aware of the quality of people I was dealing with and this gave me a very proud feeling.

In September of 1977, Scott entered early childhood at the West Grafton School. He was placed in a regular classroom for the largest portion of the school period. Whenever there were activities, such as listening to records, Mrs. Waitkus would take Scott to a classroom especially for her use and work with him on oral speech and also lipreading skills and some auditory training. During the time he was in class, he wore the auditory trainer which operates basically the same as a hearing aid, only it is much larger and more highly amplified. Mrs. Waitkus explained to the children in the classroom about the fact that Scott could not hear and showed them how his hearing aid worked. All of the children accepted him without any reservations and they did not give him any special treatment. To them he was just one of the kids.

In the spring of 1978, before the end of the school year, Mrs. Waitkus and I discussed the next school year for Scott. We both agreed that he needed another year in early childhood to further develop the skills needed for first grade and also to give him another year for emotional development so that he would be more ready to deal with children 6 to 7 years old on a daily basis. Mr. Waitkus then designed Scott's IEP—individual education program—for the coming 1978-79 school year. I had quite a lot of input into what I thought she should expect from him and also into what types of things she would be doing with him.

Mrs. Phyllis Lantz, the early childhood teacher and principal, was involved in the drafting of his IEP as well as Mr. Glenn Everly. Actually, there were a total of five people involved in Scott's IEP drafting. When the final draft was ready, we met together and discussed the entire IEP. I was very pleased with what had been drawn up and approved it for the coming school year. On this same day, I spoke with Mr. Everly concerning the fact that during the summer I worked with Scott at home with his speech and just trying to get him to learn to listen. I asked if it would be possible for me to use the Auditory Trainer for the summer months. He told me that it would be perfectly all right and that he was glad to know that Scott could benefit from it for the summer months.

When the 1978-79 school year began, Scott was once again in the classroom with Mrs. Phyllis Lantz. During the prior year, Mrs. Lantz had been uncomfortable with Scott simply because this was a new experience for her to teach a deaf child and to have to communicate with him. Not only did she have Scott, she also had another hearing impaired child. The other child was not as profoundly deaf nor was he prelingually deaf. Mrs. Lantz was very much at ease with both hearing impaired students. She made certain that Scott participated in all the activities that the other nonhandicapped children did and she also became more rigid in her discipline of Scott in the classroom. She did not overprotect him nor did she give in to his every wish. He made great academic strides and, at the end of the 1979 school year, was put into the first grade at Anna Jarvis Elementary School.

The decision to go to the first grade was not based on one person's feelings, but rather by a group of persons. Included in that group were Mrs. Lantz, Mrs. Waitkus, Mr. Everly, Mr. Dan Mankins, principal of the Anna Jarvis Elementary School, and myself.

We spent a great deal of time discussing what would be best for Scott and how the best services could be provided. Mr. Mankins explained they had three methods of accommodating Scott. The first way was to place him permanently in the regular classroom. The adverse side of this method was that we all agreed he might not be able to keep up when the work became more of an oral nature requiring oral instruction. The second way was to place Scott in a class with children who did not have all of the skills developed for the first grade class but were too much advanced to be kept in early childhood another year. The con side to this was that some of these children had behavioral problems and Scott might acquire some of these habits, since he was so visually oriented. The third and best way was to place Scott in the regular classroom for the social part of the school day and for those subjects which did not require a great deal of oral instruction, and the rest of the time would be spent in the Special Education classroom with Mrs. Waitkus working along the same lesson plans as the regular classroom teacher. With the decision made as to how we wanted to deal with Scott in regard to his placement, he was now officially in the first grade at age 5½. Again that day, I realized how lucky I was to be dealing with such a great group of teachers and also administrative personnel who had the interest of the child at heart.

Now, in the summer of 1979, some new developments have taken place. Mr. Waitkus phoned me and sent me some information regarding a new method for teaching deaf children and adults to speak. The method was called cued speech. She had already taken the class and was very impressed with the results. She suggested that we, as a family, go to Gallaudet College here in Washington, D.C., and evaluate this method for ourselves.

On June 17, 1979, the four of us came to Gallaudet College to learn more about this method of cued speech. This week was entirely devoted to learning cued speech and seeing the results that had been achieved by other deaf individuals. Dr. Orin Cornett, who developed cued speech, was our instructor. Dr. Cornett, who was a physicist and former Assistant U.S. Commissioner of Education, developed the cued speech technique in 1966 after doing much research about how the deaf are educated. The result of his research, the fact that most deaf children plateau between third and fourth grade reading levels, led him to design the cued speech method. Cued speech is a relatively simple system consisting of eight hand shapes held in four positions near the face. This visual code for the spoken word enables the deaf child to see and learn all the words hearing children hear. Cued speech can help the deaf child to pass the third or fourth grade reading plateau and can open the realm of reading, which is the window of the world for the deaf. This method must be used not only in the school, but also in the home to be most effective.

When we came to Gallaudet College, Scott had a vocabulary of three words, which were "two cookies, please." During the week we spent here at Gallaudet, his vocabulary increased with the addition of the words eat, up and pepper.

When we returned home from Gallaudet, Mrs. Waitkus and I both felt that this would be an excellent approach for us to use with Scott since he had shown progress toward speech and seemed very receptive to the use of cues. She agreed that cued speech would be written into his IEP for the coming school year 1979-80. Since June of this year, I must tell you that I have witnessed more progress with speech than I had ever seen in the past 5 years. Not only is his speech production increasing, but also his comprehension of what is said to him. With the use of cues, it is evident that he understands more than without the use of cues. Now, with cued speech being added to Scott's daily school curriculum, another step forward in his education had been taken.

In early August, I was approached by Mr. Dellinger, the school superintendent, Mr. Everly and Mr. Mankins, informing me that Mrs. Waitkus was applying for a job in another county. For the first time in my life, I was speechless. They assured me that they were trying to find a replacement for her and that Scott would be provided for. I asked them what about cued speech, and they said that whomever they hired would learn cued speech if they did not already know it. This is a prime example of the wonderful people that I have to deal with all the time. They have never seen Scott use cued speech and they never have asked for any proof that it really does what I said it did for him. They have accepted the request for the use of cued speech and saw that it was fulfilled. This rapport has evolved from the good relationship that has been established between myself and the administrative personnel since the beginning of my crusade in 1976.

On August 15, 1979, I received a letter from Mrs. Waitkus stating that she would not be returning to Taylor County in September. With the reality of the fact at hand, I was upset. I phoned the superintendent, Mr. Dellinger, and asked him if he had received the resignation of Mrs. Waitkus. As of that day, he had not, but he assured me they had employed a young woman who would fit the requirements for teaching Scott.

One week later, he received Mrs. Waitkus' resignation and assigned Mrs. Jane Simmerman to Anna Jarvis Elementary School as hearing impaired instructor. Mrs. Simmerman was well qualified. She has a degree in speech pathology and her master's in audiology. She had attended the workshop held by Dr. Cornett in Morgantown and had been very impressed by its results. She agreed to learn cued speech and to use it with Scott daily at school.

As of September 4, 1979, Scott was enrolled in the first grade at Anna Jarvis Elementary School at the age of 5½. At the time of this writing, school had been in session 1 week. He adjusted normally and will begin his classes with Mrs. Zimmerman on September 10, 1979.

You will have to agree that my testimony has shown that Scott is receiving a free appropriate public education. By that he has the right and has been provided with the same opportunity to learn the same subjects normal hearing children are exposed to. He also participates in the same activities nonhandicapped children take part in.

Taking an overall view of our school district before and after the passage of Public Law 94-142, I see that there were services provided for the handicapped and these have improved steadily each year. There was no great impact directly associated with the passage of Public Law 94-142 because there were services provided for the handicapped and these have improved steadily each year. There was no great impact directly associated with the passage of Public Law 94-142 because there were always services provided for the handicapped. Our school system works closely with State agencies within our county, for example, the Department of Welfare to mention just one. These are agencies that provide services of one type or another to handicapped persons and they keep us informed of any newly identified handicapped child in the area.

Looking at all of the administrative personnel and the teachers who are involved with providing Scott an appropriate education, I would have to rate them as being very superior.

With regard to the IEP, I feel that I have covered this matter completely, but I will briefly refresh your memory.

Scott does have an IEP with which I was an integral part of drafting. The IEP conferences were scheduled for a time that was convenient for everyone, which was usually just before the start of the regular school day. I was kept very well informed on Scott's progress through parent-teacher conferences and also briefly on a daily basis. Our school system was extremely adequate in implementing the IEP developed for Scott. In my case, I feel that the same results would have taken place even without an IEP, but for those not as fortunate as I, the IEP plays an integral part of a child's appropriate education.

The least restrictive environment means to me that the child is mainstreamed into the regular classroom situation as much as possible without putting the child into situations where he might not be able to function adequately or would become extremely frustrated. At this point, Scott is mainstreamed into the regular classroom for all the social aspects of school. He is with the nonhandicapped children for such things as art, music, physical education, lunch, recess, and the opening of the regular classroom.

As the year progresses and as Scott progresses, he will be placed in the regular classroom for additional activities. His regular classroom teacher is now receiving the advice of Mrs. Simmerman in how to deal with a deaf child and ways of communication. His regular class has between 25 and 30 students as compared to 2 in his special education class.

As I mentioned earlier, there has never been any problem with the other children accepting him and his handicapping condition. Right now, the special education teacher is providing more than half of Scott's educational services and the remainder is the services provided by the regular classroom teacher with the help of the special education teacher. There are probably some instances where the handicapped child is being dumped in the regular classroom. Where this is found to be the case, the parents of the child should go to the administrative personnel and express their dissatisfaction and realize they can be required to make this change because of Public Law 54-142.

Presently, the resources in our community to inform parents of handicapped children of their rights are limited to only two major ones. The first is the news media, and they have through television spots made parents aware that their children had the right to a free appropriate public education, and the second is our school system which has sent home to parents a booklet provided by the State Department of Education and which explains the rights of the parents, what to expect and what to do about it. They also have placed in public buildings, as well as in the schools, posters with the message that a handicapped child has the right to an education.

Presently we have just made a giant step forward with the handicapped student placed in a class for the educable mentally retarded. There are two high school seniors who are EMR and are in a diversified co-op program. This is a program where the student goes to school part of the day and then is sent to his place of employment for a certain number of hours per day. These two EMR students had to fill out an application, go for an interview, and the employer had the option of saying either "Yes, you are hired," or "No, you are not." Both of these students found employment and they will be receiving the minimum hourly wage.

In Taylor County, the handicapped students must meet the requirements for graduation as the nonhandicapped students. They must pass the same courses and earn the number of credits as the nonhandicapped student. They can do this with the aid of the special education teacher who teaches all the same subjects but maybe the approach must be different. Upon completion of the necessary credits, the handicapped student receives the same diploma as the nonhandicapped student.

Presently in Taylor County, we have the new vocational center which offers a variety of vocational educational opportunities for all students whether they are handicapped or not. Some of the courses offered are child care, food service, and preparation, and nurse aide, to name just a few.

Taylor County is not a wealthy county in terms of money to be spent for education. I can show you this by the use of exhibits 1 and 2. Exhibit 1 is funds per pupil for the 1977-78 school year. This shows that the State average is approximately $1,036 per pupil, and the amount for Taylor County is $880 per pupil, the difference being $156 per pupil.

Exhibit 2 shows that Taylor County ranks 53d according to total expenditures—State and local—per pupil. That leaves only two counties that are less than Taylor County in total expenditures. I am sure that you will have to agree that we are indeed a poor county insofar as dollars per pupil are concerned.

One thing that I would like to see done that I know would help many parents, and would have helped me if the service had been available, is the development of a hot-line where you could be given the number by a physician when you discover that your child is handicapped, and you could call and receive all at one time the information concerning services available and where to go for these services; and also the fact that your child has the right to a free appropriate public education in the least restrictive environment. This would save the parents many anxious moments and would also give them support when you need it the most.

Each State and local school system should evaluate the quality of services offered and the qualifications of those rendering the services. On the State level, the colleges and universities should look closely at their special education program and make certain that they offer, within the State, degrees in the fields such as deaf education, so that the teachers are well prepared and can remain within the State to complete their education and then remain in the State to teach.

I would also like to see Public Law 94-142 amended to read "that a free appropriate public education be provided to every handicapped child between the ages of zero and 22." This would be more appropriate because many handicapped children need special education services well before the age of 5, and also many handicapped children require these services beyond the age of 18 due to the fact that in a lot of cases the child is not able to complete a grade level on one school year and must repeat that grade possibly a second time.

In conclusion, Taylor County, although we are not a wealthy county, has provided more than adequate services for my son and for other handicapped children. I have had, as you know, extreme success in my dealings with our board of education and all of this has been accomplished without any adverse confrontations. The key to everything is not in the amount of dollars you have to spend, but in the administration and the teachers and where their interests lie. If the school administration and the teachers have the interest of the well being of the child at heart and this is also the desire of the parents, you will have a real team that can and will provide you with the services needed for your child without any opposition. This has been the case in Taylor County. Everyone from the superintendent on down through the teacher wants each and every handicapped child to receive the best education that can possibly be provided so that these children will grow up to be productive citizens with a feeling of well-being that they can be self-supporting and will not have to rely on the Government or parents or relatives to take care of them. They will have the education to take care of and provide for themselves. Once again I want to emphasize the fact that it takes cooperation and dedication for education of handicapped children from everyone involved to really make it work. Just because I have made great strides in Scott's education does not mean that my commitment to him is any less than it was originally. If anything, I think I am more committed now than ever because I know what can happen.

And I would like to add right here that since school started, the entire school administrative personnel and the teachers have become very interested in cued speech and have seen progress with Scott. As a result of that, they all want to take this class now and learn cued speech so they will be better able to help Scott through his entire school years.

Thank you for allowing me this opportunity to share with you the things I have found to be true in regard to Public Law 94-142, and to let everyone know what a small county like Taylor in the great State of West Virginia has done, and I am sure will only continue to add to and improve the education for all handicapped children.

Thank you.

[The prepared statement of Mrs. Rogers and responses to questions subsequently supplied follow:]

# TESTIMONY OF MS. PAMELA ROGERS OF GRAFTON, WEST VIRGINIA
OCTOBER 1, 1979

TO THE DISTINGUISHED MEMBERS OF THE SENATE SUBCOMMITTEE ON THE HANDICAPPED:

I am extremely honored to be here and to testify on behalf of my deaf son, who is now five and one-half years old, and on our experiences with education and Public Law 94-142.

First of all I would like you to know that I am from Grafton, West Virginia. Grafton is the county seat of Taylor County. We are a small county situated in North Central West Virginia.

When my son, Scott, was about 16 months old he had not yet developed any speech. He did cry and laugh, but he did not try for any other vocalization. The only clue we had to the fact that there was definitely a problem was that he would try to imitate your mouth movements but these were not accompanied by any vocalization. We took Scott to the West Virginia University Medical Center at Morgantown, West Virginia which is about 32 miles from our home. There he was diagnosed as having a neuro-sensory hearing loss which had rendered him profoundly deaf since birth. As any mother would be, I was devastated. I had no idea where to turn or what to do next. Before Scott and I left the hospital that day, Dr. Philip Sprinkle, Head of the Ear, Nose and Throat Department, talked with me and sent us to the Social Service Department to apply for Crippled Children's Services. He also arranged for Scott to be fitted with a hearing aid and for him to begin attending speech therapy classes at the Medical Center. The speech therapy classes were scheduled for three days a week and for one hour each session. So this became our routine for the next twelve months.

For quite some time no one mentioned school. All I knew at that time was the West Virginia School for the Deaf and Blind at Romney, West Virginia. One day the Audiologist mentioned a school in Pennsylvania. This was an Oral school for the deaf and accepted children as young as two years old. In an oral program the children are allowed only oral communication. There is no manual communication used with them. I inquired about the cost of such a school, which to my surprise and relief, was more than we could possibly afford. I also discovered that if you did not live in the area or could not transport your child to school daily, they lived with a foster family in the area. I didn't want this at all. I wanted me son to live with me so that I could watch him grow and give him all the love and affection that was due him. I know that it was at this point where I became deeply committed to making sure that Scott was educated in our own hometown or at least someplace close where he could come home each night to parents who loved him and a brother who was very proud of him. I firmly believe the handicapped child should remain with his natural parents, if at all possible. The emotional bearing that being sent away to school may have on this child as he grows older is a very deep concern of mine.

I joined a group of parents, who also had deaf children, in Clarksburg, West Virginia. In early August of 1976 at one of those meetings, I first learned of Public Law 94-142 and the fact that my son as well as all handicapped children had a right to Public Education. Mr. Glenn Mathews, who was Chief of Services of the Deaf with the Department of Vocational Rehabilitation in Charleston, West Virginia, spoke to the group and mentioned Public Law 94-142 and explained that our children had rights. After the meeting Mr. Mathews and I further discussed Public Law 94-142 and the fact that at that time I only knew of one other deaf child in Taylor County. I told Mr. Mathews that I was afraid that it would be almost impossible for me to obtain an appropriate education for Scott. Mr. Mathews encouraged me to be optimistic and to go to the Superintendent of Schools and discuss this matter with him. This encouragement was just what I needed to give me the drive to keep the commitment I had made with myself.

By now Scott's frustration with trying to speak was becoming almost unbearable not only for him but for myself also, so I decided Sign Language would give us a way to break the communication barrier and would relieve Scott of some of the frustration he must feel. In late August of 1976 I contacted the Vocational Rehabilitation Counselor in Clarksburg, West Virginia and found that she was teaching a course in Sign Language. I immediately enrolled and took two semesters in this course. It was amazing the way the frustration level began to lower in Scott once he knew that he could communicate with me and some of the other members of our family. At this time Scott was two and one-half years old and was enrolled in the Head Start Program in Taylor County. When I enrolled him in Head Start in August of 1976 it was merely for the fact that he would be in contact with other hearing children and adults and would learn how to deal with persons outside the family unit. Just before school started that year, I heard a rumor that Taylor County had employed a teacher of the Hearing Impaired. I phoned Mr. Ronald Dellinger and asked if this were true. He told me that what I had heard was correct, so I arranged for a meeting with him. When the day arrived for my meeting with the Superintendent I had mixed emotions as to what the outcome of the meeting might be. Present in the office of the Superintendent, Mr. Ronald Dellinger, were Mr. Glenn Everly, Director of Instruction, Mr. James Smith, Director of Personnel, Special Services and Treasurer, Superintendent Dellinger and myself. I began to explain the reason I was there. I told them of the fact that Scott was prelingually deaf and that his education was now already behind as far as his language development was concerned and I hoped they could help me and Scott by allowing the teacher of the Hearing Impaired to have sessions with Scott at least twice a week. I went on to let them know that I knew of Public Law 94-142 and my son's right to a public education. I also told the three men that I had taken a Sign Language course and was willing to go to school with Scott every day and be a private interpreter for him if that was what it would take to keep him at home with his family and to secure a proper education for him. They all agreed with what I said and commented that they could understand my feelings. Mr. Dellinger told me of the Hearing Impaired teacher, Mrs. Kathleen Waitkus, and the three men all agreed that it would be alright for her to work with Scott for as long a length of time that his attention span could handle. At this time he was in reality a public school child at the age of two and one-half.

As I was leaving the office that day, Superintendent Dellinger commented to me that at any time I was not satisfied with the services being given Scott or if I wished that something be added to the program, just to come and ask. I came away from that meeting realizing two things: (1) I had made progress toward my son's public education, and (2) I also knew that I was dealing with a very special School Board because Public Law 94-142 states that, "a free appropriate education be provided to every handicapped child between the ages of 5 and 18.." and my son was only two and one-half.

The school year of 1976-77 was relatively uneventful. Everything went along very smoothly. During the summer of 1977 I again requested a meeting with the same three men, Mr. Dellinger, Mr. Everly and Mr. Smith. I had felt for some time that Scott was ready for a more controlled environment. I went to the meeting with the three men previously mentioned and expressed these feelings. I also told them that in Scott's best interest I thought that Early Childhood would be the answer. At this point Mr. Everly spoke up and said that he had been to the Head Start Center and observed Scott and that he agreed with me that he was ready for a more controlled environment. Now Scott was on his way to Early Childhood at the age of three and one-half. I also inquired as to whether Scott would have the use of the Auditory Trainer. All three men assured me he would have the use of the Auditory Trainer. (The Auditory Trainer is an FM System designed for use directly between student and teacher or whomever might be wearing the microphone.) We went along discussing Scott's future as far as education was concerned and I explained to them that I didn't want Scott to be pushed through school simply because he was handicapped. I wanted him to become a self-sufficient person who could provide himself an above average lifestyle and he could not achieve this without a good education. Once again at the end of this meeting I was aware of the quality of people I was dealing with and this gave me a very proud feeling.

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Mrs. Phyllis Lantz, the Early Childhood teacher and Principal was involved in the drafting of his IEP as well as Mr. Glenn Everly. Actually, there were a total of five persons involved in Scott's IEP drafting. When the final draft was ready, we met together and discussed the entire IEP. I was very pleased with what had been drawn up and approved it for the coming school year. On this same day I spoke with Mr. Everly concerning the fact that during the summer I worked with Scott at home with speech and just trying to get him to learn to listen. I asked if it would be possible for me to use the Auditory Trainer for the summer months. He told me that it would be perfectly alright and that he was glad to know that Scott could benefit from it for the three summer months.

When the 1978-79 school year began, Scott was once again in the classroom with Mrs. Phyllis Lantz. During the prior year Mrs. Lantz had been uncomfortable with Scott simply because this was a new experience for her to teach a deaf child and to have to communicate with him. Not only did she have Scott, she also had another hearing impaired child. The other child was not as profoundly deaf nor do I think he was prelingually deaf. Mrs. Lantz was very much at ease with both hearing impaired students. She made certain that Scott participated in all the activities that the other non-handicapped children did and she also became more rigid in her discipline of Scott in the classroom. She did not overprotect him nor did she give in to his every wish. He made great academic strides and at the end of the 1979 school year was put into the first grade at Anna Jarvis Elementary School.

The decision to go to the first grade was not based on one person's feelings, but rather by a group of persons. Included in that group were Mrs. Lantz, Mrs. Waitkus, Mr. Everly, Mr. Dan Mankins, Principal of the Anna Jarvis Elementary School, and myself. We spent a great deal of time discussing what would be best for Scott and how the best services could be provided. Mr. Mankins explained they had three methods of accommodating Scott. The first way wasy to place him permanently in the regular classroom. The adverse side of this method was that we all agreed he might not be able to keep up when the work became more of an oral nature requiring oral instruction. The second way was to place Scott in a class with children who did not have all of the skills developed for the first grade class but were too much advanced to be kep in Early Childhood another year. The con side to this was that some of these children had behavioral problems and Scott might acquire some of these habits, since he was so visually oriented. The third and best way was to place Scott in the regular classroom for the social part of the school day and for those subjects which did not require a great deal of oral instruction, and the rest of the time would be spent in the Special Education classroom with Mrs. Waitkus working along the same lesson plans as the regular classroom teacher. With the decision made as to how we wanted to deal with Scott in regard to his placement, he was now officially in the first grade at age five and one-half. Again that day I realized how lucky I was to be dealing with such a great group of teachers and also administrative personnel who had the interest of the child at heart.

Now in the summer of 1979 some new developments have taken place. Mrs. Waitkus phoned me and sent me some information regarding a new method for teaching deaf children and adults to speak. The method was called Cued Speech. She had already taken the class and was very impressed with the results. She suggested that we as a family go to Gallaudet College here in Washington, D. C. and evaluate this method for ourselves. On June 17, 1979 the four of us came to Gallaudet College to learn more about this method of Cued Speech. This week was entirely devoted to learning Cued Speech and seeing the results that had been achieved by other deaf individuals. Dr. Orin Cornett, who developed "Cued Speech," was our instructor. Dr. Cornett, who was a physicist and former Assistant U. S. Commissioner of Education, developed the cued speech technique in 1966 after doing much research about how the deaf are educated. The result of his research, the fact that most deaf children plateau between 3rd and 4th grade reading levels, led him to design the Cued Speech method. Cued Speech is a relatively simple system consisting of eight hand shapes held in four positions near the face. This visual code for the spoken word enables the deaf child to see and learn all the words hearing children hear. Cued Speech can help the deaf child to pass the 3rd or 4th grade reading plateau and can open the realm of reading, which is the window on the world for the deaf. This method must be used not only in the school, but also in the home to be most effective.

When we came to Gallaudet College, Scott had a vocabulary of three words, which were "two cookies, please." During the week we spent here at Gallaudet, his vocabulary increased with the addition of the words eat, up and pepper. When we returned home from Gallaudet, Mrs. Waitkus and I both felt that this would be an excellent approach for us to use with Scott since he had shown progress toward speech and seemed very receptive to the use of cues. She agreed that Cued Speech would be written into his IEP for the coming school year 1979-80. Since June of this year I must tell you that I have witnessed more progress with speech than I had ever seen in the past five years. Not only is his speech production increasing, but also his comprehension of what is said to him. With the use of cues it is evident that he understands more than without the use of cues. Now with Cued Speech being added to Scott's daily school curriculum, another step forward in his education had been taken.

In early August I was approached for Mr. Dellinger, the School Superintendent, Mr. Everly and Mr. Mankins informing me that Mrs. Waitkus was applying for a job in another county. For the first time in my life I was speechless. They assured me that they were trying to find a replacement for her and that Scott would be provided for. I asked them what about Cued Speech and they said that whomever they hired would learn Cued Speech if they did not already know it. Here is a prime example of the wonderful people that I have to deal with all the time. They have never seen Scott use Cued Speech and they never have asked for any proof that it really does what I said it did for him. They have accepted the request for the use of Cued Speech and saw that it was fulfilled. This rapport has evolved from the good relationbhip that has been established between myself and the administrative personnel since the beginning of my crusade in 1976. On August 15, 1979 I received a letter from Mrs. Waitkus stating that she would not be returning to Taylor County in September. With the reality of the fact at hand, I was upset. I phoned the Superintendent, Mr. Dellinger, and asked him if he had received the resignation of Mrs. Waitkus. As of that day he had not, but he assured me they [illegible] employed a young woman who would fit the requirements for teaching Scott.

One week later he received Mrs. Waitkus' resignation and assigned Mrs. Jane Simmerman to Anna Jarvis Elementary School as Hearing Impaired Instructor. Mrs. Simmerman was well qualified; she has a degree in Speech Pathology and her Masters in Audiology. She had attended the workshop held by Dr. Cornett in Morgantown and had been very impressed by its results. She agreed to learn Cued Speech and to use it with Scott daily at school.

As of September 4, 1979, Scott was enrolled in the first grade at Anna Jarvis Elementary School at the age of five and one-half. Now after the first week of school has been completed, he is adjusting normally and will begin his classes with Mrs. Simmerman on September 10, 1979.

You will have to agree that my testimony has shown that Scott is receiving a "free appropriate public education." By that he has the right and has been provided with the same opportunity to learn the same subjects normal hearing children are exposed to. He also participates in the same activities non-handicapped children take part in.

Taking an overall view of our school district before and after the passage of Public Law 94-142, I see that there were services provided for the handicapped and these have improved steadily each year. There was no great impact directly associated with the passage of Public Law 94-142 because there were always services provided for the handicapped. Our school system works closely with State Agencies within our county, for example the Department of Welfare to mention just one. These are agencies that provide services of one type or another to handicapped persons and they keep us informed of any newly identified handicapped child in the area.

Looking at all of the administrative personnel and the teachers who are involved with providing Scott an appropriate education, I would have to rate them as being very superior.

With regard to the IEP: I feel that I have covered this matter completely, but I will briefly refresh your memory. Scott does have an IEP with which I was an integral part of drafting. The IEP conferences were scheduled for a time that was convenient for everyone, which was usually just before the start of the regular school day. I was kep very well informed on Scott's progress through parent-teacher conferences and also briefly on a daily basis. Our school system was extremely adequate in implementing the IEP developed for Scott. In my case, I feel that the same results would have taken place even without an IEP, but for those not as fortunate as I the IEP plays an integral part of a child's appropriate education.

The "least restrictive environment" means to me that the child is mainstreamed into the regular classroom situation as much as possible without putting the child into situations where he might not be able to function adequately or would become extremely frustrated. At this point, Scott is mainstreamed into the regular classroom for all the social aspects of school. He is with the non-handicapped children for such things as art, music, physical education, lunch, recess and the opening session of the classroom. As the year progresses and as Scott progresses, he will be placed in the regular classroom for additional activities. His regular classroom teacher is now receiving the advice of Mrs. Simmerman in how to deal with a deaf child and ways of communication. His regular class has between 25 and 30 students as compared to two in his special education class. As I mentioned earlier, there has never been any problem with the other children accepting him and his handicapping condition. Right now the special education teacher is providing more than half of Scott's educational services and the remainder is the services is provided by the regular classroom teacher with the help of the special education teacher. There are probably some instances of the handicapped child being "dumped" in the regular classroom. Where this is found to be the case, the parents of the child should go to the administrative personnel and express their dissatisfaction and realize they can be required to make this change because of Public Law 94-142.

Presently the resources in our community to inform parents of handicapped children of their rights is limited to only two major ones. The first is the news media, and they have through television spots made parents aware that their children had the right to a "free appropriate public education," and the second is our school system which has sent home to parents a booklet provided by the State Department of Education and which explains the rights of the parents, what to expect and what to do about it. They also have placed in public buildings as well as in the schools, posters with the message that a handicapped child has the right to an education.

Presently we have just made a giant step forward with the handicapped student placed in a class for the Educable Mentally Retarded. There are two high school seniors who are EMR and are in a Diversified Co-op Program. This is a program where the student goes to school part of the day and then is sent to his place of employment for a certain number of hours per day. These two EMR students had to fill out an application, go for an interview and the employer had the option of saying either "yes, you are hired" or "no, you are not." Both of these students found employment and they will be receiving the minimum hourly wage.

In Taylor County the handicapped students must meet the same requirements for graduation as the non-handicapped students. They must pass the same courses and earn the number of credits as the non-handicapped student. They can do this with the aid of the special education teacher who teaches all the same subjects but maybe the approach must be different. Upon completion of the necessary credits, the handiapped student receives the same diploma as the non-handicapped student.

Presently in Taylor County we have the new Vocational Center which offers a variety of vocational educational opportunities for all students whether they are handicapped or not. Some of the courses offered are Child Care, Food Service and Preparation, and Nurse Aide to name just a few.

Taylor County is not a wealthy county in terms of money to be spent for education. I can show you this by the use of Exhibits 1 and 2. Exhibit 1 is funds per pupil for the 1977-78 school year. This shows that the State average is approximately $1036.00 per pupil and the amount for Taylor County is $880.00 per pupil; the difference being $156.00 per pupil. Exhibit 2 shows that Taylor County ranks 53rd according to total expenditures (State and local) per pupil. That leaves only two counties that are less than Taylor County in total expenditures. I am sure that you will have to agree that we are indeed a poor county insofar as dollars per pupil are concerned.

One thing that I would like to see done that I know would help many parents, and would have helped me if the service had been available, is the development of a "hot-line" where you could be given the number by a physician when you discover that your child is handicapped, and you could call and receive all at one time the information concerning services available and where to go for these services; and also the fact that your child has the right to a free appropriate public education in the least restrictive environment. This would save the parents many anxious moments and would also give them support when you need it the most.

Each state and local school system should evaluate the quality of services offered and the qualifications of those rendering the services. On the state level, the colleges and universities should look closely at their special education program and make certain that they offer, within the state, degrees in the fields such as deaf education, so that the teachers are well prepared and can remain within the state to complete their education and then remain in the state to teach.

I would also like to see Public Law 94-142 amended to read, "that a free appropriate public education be provided to every handicapped child between the ages of 3 and 22." This would be more appropriate because many handicapped children need special education services well before the age of 5, and also many handicapped children require these services beyond the age of 18 due to the fact that in a lot of cases, the child is not able to complete a grade level in one school year and must repeat that grade possibly a second time.

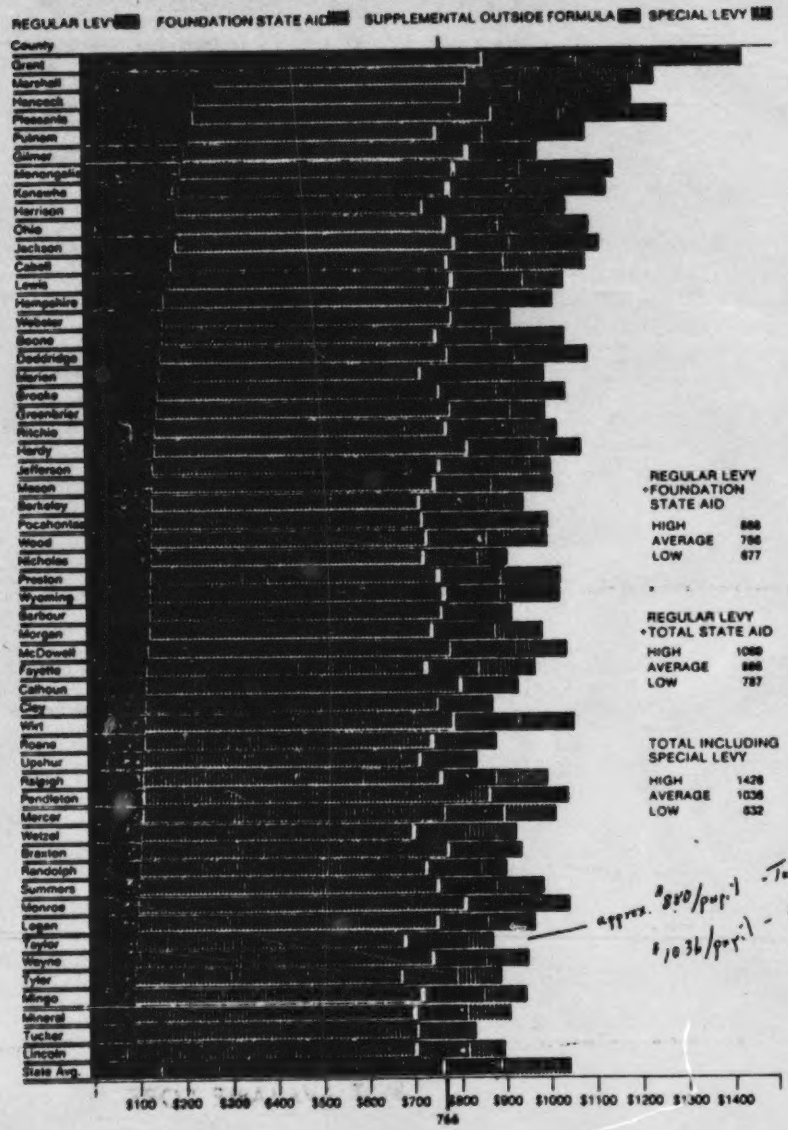
In conclusion, Taylor County, although we are not a wealthy county, has provided more than adequate services for my son and for other handicapped children. I have had, as you know, extreme success in my dealings with our Board of Education and all of this has been accomplished without any adverse confrontations. The key to everything is not in the amount of dollars you have to spend, but in the administration and the teachers and where their interests lie. If the school administration and the teachers have the interest of the well-being of the child at heart and this is also the desire of the parents, you will have a real team that can and will provide you with the services needed for your child without any opposition. This has been the case in Taylor County. Everyone from the Superintendent on down through the teachers wants each and every handicapped child to receive the best education that can possibly be provided so that these children will grow up to be productive citizens with a feeling of well-being that they can be self-supporting and will not have to rely on the government or parents or relatives to take care of them. They will have the education to take care of and provide for themselves. Once again I want to emphasize the fact that it takes cooperation and dedication for education of handicapped children from everyone involved to really make it work. Just because I have made great strides in Scott's education does not mean that my commitment to him is any less than it was originally. If anything, I think I am more committed now than ever because I know what can happen.

Thank you for allowing me this opportunity to share with you the things I have found to be true in regard to Public Law 94-142 and to let everyone know what a small county like Taylor in the great State of West Virginia has done and I am sure will only continue to add to and improve the education for all handicapped children.

Thank you.

Exhibit #1

## FUNDS PER PUPIL 1977-78
## COUNTIES RANKED BY REGULAR LEVY



REGULAR LEVY
+FOUNDATION
STATE AID

| | |
|---|---|
| HIGH | 888 |
| AVERAGE | 766 |
| LOW | 677 |

REGULAR LEVY
+TOTAL STATE AID

| | |
|---|---|
| HIGH | 1089 |
| AVERAGE | 886 |
| LOW | 787 |

TOTAL INCLUDING
SPECIAL LEVY

| | |
|---|---|
| HIGH | 1428 |
| AVERAGE | 1036 |
| LOW | 832 |

approx. $890/pupil - Taylor
$1,036/pupil - state

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## EXHIBIT #2

$ PER PUPIL (ADJUSTED ENROLLMENT)

| | RATIO TO AVERAGE | $ REQUIRED TO MATCH: | | |
|---|---|---|---|---|
| | | HIGHEST COUNTY | 90th PERCENTILE | STATE AVERAGE |
| Grant | 1.38 | | | |
| Pleasants | 1.22 | $ 349,539 | | |
| Marshall | 1.19 | 1,772,259 | | |
| Hancock | 1.14 | 2,131,094 | | |
| Monongalia | 1.11 | 3,396,148 | | |
| Kanawha | 1.09 | 14,903,660 | $ 891,086 | |
| Jackson | 1.09 | 1,983,637 | 198,931 | |
| Ohio | 1.05 | 3,522,519 | 583,744 | |
| Doddridge | 1.05 | 689,948 | 118,932 | |
| Cabell | 1.05 | 7,374,732 | 1,277,732 | |
| Putnam | 1.05 | 3,039,097 | 548,178 | |
| Hardy | 1.03 | 962,079 | 205,482 | |
| Wirt | 1.02 | 530,334 | 133,982 | |
| Harrison | 1.01 | 6,397,173 | 1,768,301 | |
| Pendleton | 1.00 | 712,359 | 198,435 | |
| Boone | 1.00 | 2,839,317 | 791,776 | |
| Brooke | 1.00 | 2,618,905 | 733,711 | |
| Lewis | 1.00 | 1,531,777 | 430,332 | |
| Monroe | 1.00 | 1,125,814 | 323,312 | $ 1,606 |
| McDowell | 1.00 | 5,182,612 | 1,490,319 | 10,157 |
| Preston | .99 | 3,052,542 | 930,824 | 80,272 |
| Wyoming | .99 | 3,991,395 | 1,232,322 | 126,268 |
| Ritchie | .98 | 1,082,957 | 339,516 | 41,487 |
| Mercer | .98 | 6,600,890 | 2,175,793 | 401,865 |
| Mason | .97 | 2,924,062 | 970,290 | 187,064 |
| Hampshire | .97 | 1,435,041 | 481,107 | 98,696 |
| Jefferson | .97 | 2,798,123 | 957,715 | 219,934 |
| Pocahontas | .96 | 1,053,291 | 365,552 | 89,852 |
| Marion | .96 | 5,511,342 | 1,935,772 | 502,401 |
| Wood | .96 | 9,510,836 | 3,345,818 | 874,393 |
| Greenbrier | .96 | 3,579,118 | 1,280,497 | 359,029 |
| Raleigh | .96 | 8,157,124 | 2,920,288 | 820,951 |
| Morgan | .95 | 1,125,816 | 413,165 | 127,478 |
| Gilmer | .95 | 906,301 | 340,323 | 113,434 |
| Summers | .95 | 1,566,860 | 589,415 | 197,577 |
| Fayette | .93 | 6,482,622 | 2,561,643 | 989,805 |
| Logan | .93 | 5,670,395 | 2,276,766 | 916,332 |
| Wayne | .92 | 5,448,747 | 2,267,290 | 991,911 |
| Berkeley | .91 | 5,580,288 | 2,347,048 | 1,050,910 |
| Mingo | .91 | 4,947,576 | 2,104,530 | 964,813 |
| Braxton | .90 | 1,847,238 | 799,815 | 379,925 |
| Calhoun | .90 | 1,160,974 | 509,343 | 248,118 |
| Wetzel | .89 | 2,958,197 | 1,305,049 | 642,337 |
| Webster | .89 | 1,697,930 | 764,990 | 390,994 |
| Barbour | .88 | 2,075,334 | 940,019 | 484,895 |
| Mineral | .88 | 3,949,293 | 1,828,695 | 978,592 |
| Nicholas | .87 | 3,583,681 | 1,669,097 | 901,580 |
| Randolph | .87 | 3,587,637 | 1,688,447 | 927,102 |
| Lincoln | .86 | 3,418,394 | 1,629,770 | 912,748 |
| Tyler | .85 | 1,813,415 | 882,154 | 508,831 |
| Roane | .85 | 2,162,639 | 1,063,152 | 622,392 |
| Clay | .84 | 1,660,664 | 828,772 | 495,284 |
| Taylor | .83 | 2,508,510 | 1,262,910 | 763,576 |
| Upshur | .80 | 3,122,192 | 1,652,385 | 1,063,170 |
| Tucker | .80 | 1,398,633 | 741,404 | 477,935 |
| State | | $179,433,051 | $57,095,929 | $18,963,714 |

Depicts ranking counties according to total expenditures (st. and local) per pupil

AR:lm
9/16/77

Note: Includes basic state aid, salary supplements, regular and special levy funds.

Received
Date 3-18-80
Subcommittee on
the Handicapped

Questions regarding "Least Restrictive Environment"
My response - Pam Rogers, Grafton, W. Va 26354

1- The "least restrictive environment" clause in PL-94-142 means to me that the child is mainstreamed into the regular classroom situation as much as possible without placing the child in an environment that would cause him to become frustrated and unable to function adequately.

2- Our school system in Taylor County has always placed any handicapped child in the least restrictive environment so there was never any question about placement of Scott.

3- Scott spends 4½ a day in the regular classroom and 1½ hours with his hearing impaired teacher.

4 He is included in all of the regular classroom activities except for the 1½ hours he is with Mrs. Zimmerman his hearing-impaired teacher.

5. The time in regular classroom is most appropriate in meeting his needs

6- The regular classroom teacher receives some assistance from Mrs Zimmerman and she has also taken a course ⇒

in Cued Speech for teaching Scott

7- There are 25 students in the regular classroom and 2 student in hearing-impaired class.

8- The other students in the regular classroom as well as the entire student body of the school have accepted Scott and many have learned Cued Speech to make Scott a more normal child to them so his handicapping condition is not of real concern to them.

9- The regular classroom teacher and the hearing-impaired teacher share equally in providing educational services.

10- I feel if a handicapped child is "dumped" into a regular classroom the parents should investigate this thoroughly and then use their powers under PL-94-142 to achieve the proper changes.

Questions regarding "IEP"
My responses - Pam Rogers - Grafton, W. Va. 26354

1 - Yes, Scott has an IEP

2 - Before Scotts first IEP was drafted his hearing-impaired teacher explained the IEP and about my involvement in its creation. After the final draft was ready I was notified by mail, which the notification slip had to be signed and returned, and also the teacher notified me orally.

3 - The persons involved in Scotts I.E.P. development were, the hearing impaired teacher, speech therapist, regular classroom teacher, principal, school counsellor, special education director and myself.

4 - No social service agency services were needed.

5 - Scotts IEP conferences were scheduled during the school day that was convenient for all involved. Frequently during development of his I.E.P. I was asked for any suggestions I might have.

6 - There have been no problems with development or implementation of his IEP.

7- Close contact with teacher and the principal has insured that the goals and objectives of the I.E.P. are being carried out.

8- School services were extremely adequate for I.E.P. implementation

9- The I.E.P. requirement in PL 94-142 had no direct effect on our School System. They have always provided educational services for the handicapped child and they would have done this even without PL 94-142 because of their deep interest and concern to provide the best educational services to all children handicapped or non-handicapped

10- The process of development & implementation of I.E.P.'s could be improved by parent workshops explaining the I.E.P. and a parents role in the I.E.P.

11- Cued Speech & Speech Therapy provide 2/3 of Scott's I.E.P.

12- If the I.E.P. is drawn up and implemented properly I see no reason for a Change in the Federal regulations.

Questions regarding "Free Appropriate Public Education"
My responses - Pam Rogers - Grafton, W.Va 26354

1- A "free appropriate public education" provide the child with the right to the opportunity to take advantage of the same educational opportunities offered non-handicapped children and to participate in the same school activities.

2- All programs in our school system are open to all children

3- I do not think in our school system PL 94-142 had any direct affect on quality or quantity of services because Taylor County had always provided services for handicapped children and has increased these services each year even before PL 94-142

4- Our school system deals closely with state agencies located within the county that deal with services to the handicapped, also vision screenings and hearing screenings take place within the schools themselves

5- I am not aware of any limitations on parents reimbursement for private school placement.

6- I feel that all school personnel directly and →

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indirectly involved with Scotts education are extremely superior. This includes all persons from the School Superintendent on down. They are all most Co-operative with parents and they have a deep interest in the quality of education received by each Student handicapped or non-handicapped.

Senator **Randolph**. Thank you very much, Pam.

We are exceedingly grateful for the depth of your own intense commitment, but also there is a measure of detail here that will not lend itself to colloquy questions and answers. It will be very helpful to Senator Stafford and other members of the subcommittee as we go through the testimony that has been given.

I think he knew what he meant when he said "two cookies, please." I guess children, regardless of the handicap, would be thinking, if not saying, the same words, is that true?

Mrs. **Rogers**. Yes.

Senator **Randolph**. What is he now, about 5½ now?

Mrs. **Rogers**. Five and a half, yes.

Senator **Randolph**. So, if agreeable with you, we will not question you, Mrs. Rogers. We will have questions for you and you will reply in writing to them. Your statement is very helpful. What you have told us is not only factual but also something that will be of value to the parents as they work with teachers and administrative heads of school systems.

And so whether it is in Taylor County or whatever the county in any State in the Union, what you have been saying, I think, is very important. It will be very helpful to us.

Now, Senator Stafford and I wish to cooperate with a busy Member of the Senate and former Governor of Oregon, Senator Mark Hatfield.

We are going to ask you, Pam, if you would, to leave the witness table. I will ask that the Mossmans just stay where they are.

If we could have Mary Fryer of Corvallis, Oreg., come and sit at the witness table, and also I would appreciate it, if you would, Senator Hatfield, sit by her and we would be gratified to have you introduce your constituent.

Is that agreeable with you, Senator Stafford?

Senator **Stafford**. Mr. Chairman, that is most agreeable to me. I am always very happy to see my old colleague. We served as Governors together about 20 years ago. Happy to be together again.

Senator **Hatfield**. Mr. Chairman and Senator Stafford, this is a great privilege you have accorded me to invite me to the table to introduce to you Mary Fryer of Corvallis, Oreg. This is her first time as a witness before a committee. She told me this morning she felt a little nervous. I said "I can think of no committee which can handle that more effectively than Senator Randolph and Senator Stafford's committee."

Because I know of no men in the Senate who have more capacity, more concern about the subject matter than these two gentlemen.

So I reassured her this would be a very easy assignment she has taken on. And I am here to give her moral support and to affirm her testimony by the knowledge that I have of circumstances of her own family and what she will share with you today as a parent.

She and her husband are a very important part of our Corvallis community in the State of Oregon. And I think it is marvelous she has traveled this distance to share with you a subject that you are very vitally concerned about, as well as Senator Stafford of this committee and the entire Senate.

So I am honored and pleased to present a wonderful person and great Oregonian, Mary Fryer.

Senator **Randolph**. Thank you very much, Senator Hatfield, for accompanying your friend, your constituent. It is a considerable distance from Oregon to Washington, D.C.

But we are delighted you are here today.

If you would proceed and then we will return to West Virginia and hear Joyce's testimony.

Thank you.

## STATEMENT OF MRS. MARY FRYER, PARENT, CORVALLIS, OREG.

Mrs. **Fryer**. Thank you.

It is an honor to be able to be here today, and I really appreciate your inviting me.

Being the parent of a handicapped child is not easy. The most important task we as parents face is that of helping to educate our children. Public Law 94-142 has made a tremendous impact on our family, in that the responsibility for the education of our handicapped child is shared equally by the public schools. The mandate that parents be fully involved in decisionmaking allows parents to conquer some of the feelings of inadequacy and frustration that we have in helping to shape our children's lives.

Our daughter, Holly, was born in August 1969 and was diagnosed as autistic at the age of 3. Up to the age of about 14 months, we assumed that she was developing normally. It took several months and many visits to various professionals plus a 13-day hospital confinement, before diagnosis was made. We came into contact with a variety of professionals., Some were concerned and caring, and others were ignorant and insensitive.

I still recall the pain I felt when we were told that our child would probably require institutionalization as she grew older. In a way, it was like grief that I believe is like that of losing a child through death, because part of the joy of parenting is seeing your child mature and nurturing that child to a happy, healthy adulthood.

In our period of adjustment to the realities of the situation, we developed grave concerns about the future of our child. After exploring our options, that of a handicapped preschool at the local public schools in Corvallis or a highly specialized classroom for the multiply handicapped, we chose the latter, knowing that we had to make up a lot of wasted time. Holly was 4 when she was finally enrolled in the classroom for the multiply handicapped at Teaching Research located in Monmouth, Oreg. She was plainly a child in trouble with no language and displaying many autistic behaviors—tantrums, overreaction to some stimuli, underreaction to others, and withdrawal from people and life, lack of eye contact, bizarre behaviors, nonuse or inappropriate use of toys, to name just a few.

At Teaching Research she received individualized instruction in language, motor skills, and academics, including prereading and reading, number identification and writing. Remediating some of the inappropriate behaviors and language acquisition were our primary goals. As parents, we were responsible for carrying out home programs and received training to do this.

It was a time for hope as Holly was beginning to learn. At age 6, our decision was to move Holly in a self-contained classroom for the trainable mentally retarded at Garfield School in Corvallis. She received the same kinds of programs she had had at Teaching Research but with a gradual and increasing integration into some nonhandicapped classroom activities, beginning with lunchtime and playground activities and gradually including physical education and some math. The highlight of that year was her participation in the Christmas program. Holly's participation was welcomed by regular classroom teachers and the students.

By the winter of 1976, Holly had progressed to a point where placement in the TMR classroom was no longer appropriate. And by the following spring was placed in a regular classroom with part time services from an EMR learning center at Wilson School. She remained at Wilson through June 1979, and now attends Hoover School our neighorhood school with her younger sister. She rides a regular school bus and is making the effort to make friends.

At Garfield and Wilson, the academic skills were taught in the learning center with social skills being of prime importance in the regular classroom. It is basically the same at Hoover. About 50 percent of her time is split in the regular classroom and the learning center there.

Over the years, Holly has had the benefit of outstanding dedicated special education teachers and classroom teachers. All viewed her education as a team effort, but her peers, both handicapped and the nonhandicapped, deserve much of the credit for her success.

There are some problems that do concern me—teacher inservicing, and Federal funding levels that never really provided adequately to get the job done. And I have never understood why universities do not play more of a role in requiring all education majors to have course work and hands-on experience with handicapped children as a prerequisite for a teaching degree. It would save the expense of costly inservicing later on and lessen classroom frustrations for all students.

I also feel some form of inservicing for nonhandicapped students is in order. It has been my experience that an open, frank discussion with Holly's classmates by myself has made everyone feel more comfortable and less inclined toward tokensim.

Second, an education for handicapped children should begin at the earliest age possible, at birth in cases where a handicap is known or suspected, and end only when it is appropriate. It is my personal conviction that education is a lifelong pursuit and should be encouraged beyond public school age.

Third, a better coordination of efforts by various service agencies needs to occur. In Oregon, the mental health division has developed a plan for specialized case management for MR/DD persons. It is also the top priority of the State developmental disabilities council.

Last, I would like to say from my perspective as a parent of an autistic child, I feel strongly that it is incorrect to include autism as a subcategory under the general label of "emotionally disturbed." Autism has distinct symptoms that separate it from the label of "emotionally disturbed." My inability to accept that label stems from our own experience in dealing with psychiatrists who wanted us to place Holly in a foster home situation in Portland where we would have weekend visitation priveleges. Holly did not need and, further, could not have benefited from psychiatric help. She needed to learn language, reading and writing and living in society with her friends.

In conclusion, Holly is a delight and we are proud of her and what she has done. And I am grateful to you for letting me share my experiences with you.

Senator **Randolph**. Thank you very much, Mary.

How old is Holly now?

Mrs. **Fryer**. Ten.

Senator **Randolph**. What year did she begin any type of school training program?

Mrs. **Fryer**. 1973. She was just 4.

Senator **Randolph**. Four years old?

Mrs. **Fryer**. Yes.

Senator **Randolph**. I know all that who hear your testimony will realize that this is something that is very much part of your life and the life of your daughter.

Mrs. **Fryer**. Yes.

Senator **Randolph**. And I will refer to that later when Joyce, who is from Huntington, is testifying.

You have indicated that you feel that universities could well have certain programing and training and instruction, and I fully agree with that. I am not sure at this time just the best way it can be done and how it can be done, and whether it should be done by some State university or other institutions.

But I will inquire more with Joyce on this point because of a university—Marshall University, located in Huntington, W. Va. I have listened carefully to your story. It is another of those human documents which are absolutely necessary if we are to write law that has not just language but also a heart in it.

Would you wish to say anything at this time, Senator Stafford?

Senator **Stafford**. Mr. Chairman, no, I think not. I have been very much impressed by Mrs. Fryer's testimony, as I was by the earlier witness.

In view of the time constraints which are facing us both this morning, I would defer possibly and submit questions in writing and ask they be responded to in a reasonable time so they can be made a part of our hearing record.

I will ask you one question now. And that is, do you have other children?

Mrs. **Fryer**. Yes. I am sorry I didn't mention it. I have two other daughters, a 12-year-old daughter, Heather, and a 6-year-old daughter, Stephanie.

Senator **Stafford**. You have a family that runs through girls then?

Mrs. **Fryer**. Yes.

Senator **Stafford**. I share that with you. Mrs. Stafford and I raised four girls.

Senator **Randolph**. Mrs. Randolph and I just had boys. That is the way it goes.

I would like to follow just this one point. Have the other children worked in a constructive way? You know, they might feel you have this job to do and they must not infringe. Do they have a feeling that they are a part of helping Holly?

Mrs. **Fryer**. Yes. I have problems with that, frankly. I sometimes do experience some guilt feelings that perhaps I am not attending to some of their needs. But I think they have adjusted very well.

And I must say, Heather is a very real partner in our efforts with Holly. And Stephanie does not really believe there is anything wrong at all. She just regards her sister as one of the family and probably has been one of her better teachers, in fact, because she will not accept that her sister cannot do something. And I think that is very healthy.

Senator **Randolph**. Thank you.

Senator Hatfield, we would like you to know that your friend from Oregon had planned on being here in July for our hearing and because of an illness of Holly—I believe that is the reason you could not come at that time?

Mrs. **Fryer**. Yes.

Senator **Randolph**. But now you have brought this very moving story to us. We thank you very much, and thank you especially, Senator. If you wish to say anything in conclusion——

Senator **Hatfield**. Mr. Chairman, I want to thank you for accommodating my schedule. You are very gracious in permitting me to introduce Mary Fryer today.

As you can appreciate, after hearing her, all the State officials with whom I discussed these hearings indicated to me that Mrs. Fryer was probably the outstanding involved parent in our State and in her working relationship. I feel that this is confirmed in the testimony this morning.

I want to thank you for allowing me to participate in this way.

Senator **Randolph**. Thank you very much.

[The prepared statement of Mrs. Fryer and responses to questions of Senator Randolph follows]

TO: Subcommittee on the Handicapped
FROM: Mary A. Fryer
SUBJECT: Testimony on implementation of PL 94-142

I appreciate very much having the opportunity to express my views before the Subcommittee on the Handicapped regarding Public Law 94-142 and how it has impacted on the education of our child. I have been asked to address three major topics: least restrictive environment, free appropriate public education, and the individualized educational program. I will attempt to address these topics by relating them to our daughter's educational experiences.

First I would like to begin by acquainting you with Holly, our 9-year-old autistic daughter. The diagnosis of autism was first made at age 3. At that time she was displaying most of the typical symptoms of autism including withdrawal, lack of speech, bizarre behaviors, tantrums and the inability to establish eye contact. Holly's behaviors were disruptive and difficult to manage. We were informed quietly and professionally by the child psychiatrist making the diagnosis that autistic children almost always were institutionalized as they grew a bit older because a family unit is generally unable to deal with the stress involved in caring for an autistic child.

Indeed, it is true that stress is a major problem in a family with an autistic child, but the fact remained that Holly was ours, beautiful and special, and we needed her to be with us as much as she needed the security of her home and family. When the suggestion was made that we enroll her in a preschool of handicapped children in Portland, 85 miles away from Corvallis, and placing her in a foster home during the week, we very emphatically said "no".

We did, however, enroll Holly in a preschool classroom for the multiply handicapped at Teaching Research located in Monmouth, Oregon about 30 miles away. Getting Holly to and from school was hard to manage, particularly with the arrival of a new little sister, but we felt good about our decision - she was receiving a quality program and she was at home. Behavior problems were diminishing as language acquisition increased.

At age six, Holly moved from the Teaching Research classroom in Monmouth to the Corvallis public school system and into a classroom for the Trainable Mentally Retarded. Fortunately for us, Holly's new teacher had anticipated PL 94-142 so that when Holly moved into the TMR classroom the concepts of least restrictive environment, free appropriate public education and the I.E.P. were already being addressed. Nevertheless we questioned whether the public schools could really serve our child as well as special schooling could.

Before long we noted marked changes in Holly's development, particularly in her interactions with other people. She moved ahead rapidly academically. Clearly, a free appropriate public education was serving her needs well.

The least restrictive environment concept for Holly meant a cheerful classroom in the hub of activity at school and her inclusion into activities such as art, P.E., lunchtime, playground time and school programs with non-handicapped children. Not only was Holly benefiting from role-modeling from contact with non-handicapped peers, the non-handicapped children were at the same time learning tolerance and consideration for Holly and the other developmentally disabled children in the TMR classroom.

As Holly progressed, the meaning of least restrictive environment and appropriate education changed to mean a move forward to a regular classroom with only minimal support from a learning center. This meant a move to another school and an entirely new environment. Again, we were somewhat concerned about such a dramatic and perhaps traumatic change for her. However, again, we were gratified at the competence and caring shown by the faculty and students at Holly's new school. She was integrated into the classroom immediately and painlessly. Last year was a year of blooming for Holly - she does all the wonderful, obnoxious things all children do; fighting with her sisters, using her feminine guiles to get her own way with her father, using naughty language, gum-snapping and listening to disco and rock records endlessly. We're grateful for it all for it means that she is at last wanting to participate willingly and joyfully in life. Academically, she is at or above her grade level in most areas, except Math (I insist this is a genetic problem directly linked to her mother's disability in this area), and we were astonished to learn that on a recent test of her word attack skills she had scored at a 12th grade level.

All of this has been accomplished by the dedication of a fine group of professionals who believe that a handicapped child is further handicapped by low expectations of achievement. These people also recognize the importance of parental input in the planning and implementation of programs for handicapped children. Through Holly's entire educational process, the suggestions my husband and I made to add or delete certain curricula were always negotiated satisfactorily. My feeling is that the I.E.P. is a tool to be used by parents and professionals to strengthen the child's program so that child is receiving the best quality education possible in the least restrictive environment.

Opponents of full educational opportunities for handicapped children in public schools often make the statement that there is no point in attempting to teach them, but data that we have now certainly proves that to be incorrect. The better the education and the earlier it is begun the more likely the handicapped child will be able to learn to live independently. It follows then that the better-educated and more self-sufficient these children become, the less chance of costly institutionalization later and the chances for a more productive, enhanced quality of life will result. It makes sense then to spend more now to save a lot later.

It would be incorrect to not mention what I have perceived to be weaknesses in implementation of PL 94-142. There are several:

1. We should be moving toward free appropriate education for all handicapped children in the birth to 21 age range. In fact, an open-ended approach to education really makes sense to me. Intervention programs should begin as soon after birth as possible when a disability is diagnosed, and we need to recognize that some individuals might need programs beyond age 21.
2. In-servicing of teachers has been grossly inadequate leaving many of them with the feeling that mainstreaming has been thrust upon them without adequate preparation with a resultant negative attitude toward the law.
3. Funding levels have not been adequate to implement the law; in our school district for example there are children who are being inappropriately served because they are being educated with much younger children and not having the opportunity to interact with non-handicapped children of their own age. But the dollars just won't stretch far enough to provide an appropriate-age environment.

I would like to express my gratitude to your committee for the deep concern you have for the handicapped children of our country. Thank you for accepting my testimony.

OCT 26 1979

October 22, 1979

Received
Date 10-29-79
Subcommittee on
The Handicapped

Senator Jennings Randolph, Chairman
Subcommittee on the Handicapped
Room 10-B Russell Senate Office Building
Washington, D. C. 20510

Dear Senator Randolph,

I wanted to express to you and the other Subcommittee members my appreciation for having had the privilege of participating in the oversight hearings on implementation of P.L. 94-142 on October 1.

Although I was very nervous I do remember most of the morning's proceedings and was impressed, Senator Randolph, by your kind and gentle manner and by your obvious commitment to education for handicapped children. I also appreciated Senator Stafford's attention to what I was saying and his questions to me after I completed my testimony.

It was a special honor, too, to have Senator Hatfield there to introduce me and attempt to put me at ease though he was not totally successful.

October 1 was a day I will remember a long while. Thank you all for allowing me to make my small contribution.

Sincerely,

Mary

Mary A. Fryer
2925 N. W. Skyline Drive
Corvallis, Oregon 97330

Senator Randolph, I have taken the liberty of returning the questions and my answers to them along with the corrected transcript of my testimony to Mr. Jim Powell, your staff editor. The questions I refer to were those that were handed to me in an envelope on October 1.

RESPONSE TO QUESTIONS - MARY FRYER

1. P.L. 94-142 has had a profound impact on the quality of our child's education. In general at this point in time, I believe that the Law has forced society to view handicapped youngsters in a different light as in previous times. There seems to be a healthy awareness of the needs of these children. I recall that when Holly was six, and we were seeking a public school placement, we considered her placement in a regular classroom. We were offered, as an educational program, a one-hour storytime in a kindergarten class. Even though we were not convinced that she was functioning at a TMR level, we knew that she would receive the finest programming in the TMR classroom at Garfield School. So we felt there was really no choice -- obviously a regular classroom was virtually no placement at all. Today it would be a grossly uninformed school district that would offer one hour a day of non-academics as an educational program for a handicapped child.

2. At Teaching-Research Holly received instruction in language and speech, remediation of inappropriate behaviors, self-help skills (toilet training and personal hygiene), fine and gross motor skills, and academics (pre-reading and reading, writing and mathematics.) Parent training, which I view as a very important element in the education of a handicapped child, was also provided to us.

3. Yes, a pre-school classroom at Garfield School was available at about the time Holly started to be educated. We felt, however, that a very intensive program was needed, particularly in the area of language acquisition, and felt that Teaching Research was better able to provide that highly structured instruction.

4. Sometimes there are trade-offs that have to be made. From the standpoint of learning appropriate socialization skills, perhaps there might have been some advantage. But as I've mentioned previously Holly was four years old and we were convinced that before we'd see any significant progress, she would have to learn receptive and expressive language. I'm not sure that the public school setting could have provided the programming she received at Teaching Research.

5. I have very few concerns at the elementary school level, but I do worry about problems of possible social exclusion and frustration she might feel when Holly moves on to Intermediate School and High School. I have concerns also that pre-vocational and vocational education be started early enough. The Corvallis school system is presently working very hard in these areas, and I'm very optimistic that these problems will be resolved. Our long-range goal for Holly is that at the end of her formal education there will be a job available that will give her satisfaction and enough income to live comfortably and self-sufficiently.

MARY FRYER - QUESTIONS

1. IN GENERAL WHAT IMPACT DO YOU FEEL PUBLIC LAW 94-142 HAS HAD ON THE QUALITY OF EDUCATION YOU CHILD HAS RECEIVED?

2. WHAT KIND OF SPECIAL SERVICES WERE PROVIDED YOUR CHILD IN THE TEACHING RESEARCH CLASSROOM FOR THE MULTIPLY HANDICAPPED?

3. WAS AN ALTERNATIVE PUBLIC SCHOOL PLACEMENT AVAILABLE FOR YOUR CHILD AT THAT TIME?

4. DO YOU FEEL THERE WOULD HAVE BEEN AN ADVANTAGE TO YOUR CHILD BEING PLACED IN THE PUBLIC SCHOOL SETTING AT THAT TIME?

5. SINCE THE ENACTMENT OF PUBLIC LAW 94-142 WHAT PROBLEMS DO YOU PERCEIVE WITH RESPECT TO EDUCATIONAL PLACEMENT AND PROGRAMMING FOR YOUR CHILD?

## ANSWERS TO LRE QUESTIONS - MARY FRYER

1. My understanding of the law regarding placement of handicapped children in the least restrictive environment means that the law recognizes the unique needs of each child and acknowledges that it is the need, not the disability of the child that is the determining factor in the placement of that child -- and further recognizes the advantages to the handicapped child of interaction, in varying degrees, as appropriate, with non-handicapped children of the same age.

2. Our child has moved from a self-contained classroom gradually and when her educational team agreed it was appropriate, to less restrictive settings and finally to a regular classroom for the major part of the day. I suspect that Holly probably would not have been mainstreamed but might have remained in a self-contained classroom and been integrated into some regular classroom activities if P.L. 94-142 had not come into being. I am sure that there are many regular classroom teachers who have not received adequate inservicing to help them feel comfortable in working with handicapped children. And, being perfectly honest, I'm quite aware that there are a fair number of teachers who don't want any contact with our handicapped children. We have been blessed though by having had contact with some of the finest, most sensitive and caring teachers imaginable. Without their efforts our child would not have achieved what she has.

3. Yes. Holly spends the majority of the day in a regular classroom.

4. Opening exercises, cursive handwriting, physical education, reading, spelling, music, art, science, recess and lunchtime activities. She also just recently completed a swimming program with her fourth-grade class.

5. Yes.

6. The regular classroom teacher, the school principal and the Learning Center teacher all work closely together. When the classroom teacher needs assistance in developing a program, we all put our heads together and work out a plan collectively.

7. This is a difficult question to answer because children are coming and going from the Learning Center all day long. But generally, the Learning Centers handle a relatively small number of children at any one time so that programming can be more intense. The regular classroom has between 25 and 28 children. The Learning Center operates with the assistance of a full-time aide and the regular classroom utilizes student teachers from Oregon State University in addition to the regular classroom teacher. Of course, the Learning Center has a full-time teacher as well who is highly trained in individualizing her student's programs.

LRE QUESTIONS (contined) - Mary Fryer

8. I can only speak from my own experience. When Holly's major move to a regular classroom first came, I was very worried that there might be some harrassment of her. As I puzzled over what was the best thing that could be done to help her, it finally occurred to me that the cause of non-acceptance of others is a simple lack of understanding. So it seemed to me that the best course of action was to invite myself to school (right at the beginning of the school year) to have a chat with the class. I attempted to explain to the children in terms that they could understand something about the nature of our child's handicap, what she was like as a baby, her later development, the kind of schooling she had had, and stressed in particular how important a role each child in that classroom had in Holly's education. The non-handicapped children have responded incredibly well. She is regarded as a person who will need a little more time to learn. They know that she is a person who is loved very much by her family, just as they are loved by their own families; they understand her handicap and I think this makes them feel more comfortable about themselves and their own weaknesses and shortcomings. After all, all people have some sort of handicap.

9. Holly is presently undergoing a series of evaluative testing in preparation for a new I.E.P., and we are currently operating generally on the I.E.P. that was negotiated just before the end of the last academic year. We have always a tentative plan for Holly at the end of an academic year so that she can begin immediately in the fall without delay. Anyway, at present the breakdown in providion of services is approximately 70% - regular classroom teacher; 20% Learning Center teacher (special education teacher) and 10% - Learning Center aide.

10. My response is that we as parents have this monumental law, P.L. 94-142 that gives us and our children certain rights. I believe that parents have to be willing to assume the responsibility for seeing that our children receive the quality education that the law was intended to provide. School districts "dumping" children into regular classrooms and not providing appropriate services to them violate the law. Parents need to be better educated and know what their rights and responsibilities are; the I.E.P. has provided parents great power in getting the education and services our children need.

## QUESTIONS

### LRE QUESTIONS

1. What do you understand the requirements of Public Law 94-142 to be regarding the placement of handicapped children in least restrictive environments?

2. What changes have occurred with respect to the placement of your handicapped child in a least restrictive environment as required under Public Law 94-142?

3. Does your child spend any part of his day in a regular classroom?

4. For what activities is your child included in the regular class program?

5. Do you feel the time spent in the regular class is appropriate to your child's educational needs?

6. Do you know whether the regular class teacher receives any special assistance or materials in order to develop an appropriate individualized program for your child in the regular class?

7. What are the differences in class size between the regular class and special education class your child attends?

8. Have there been any problems with nonhandicapped students accepting handicapped children in the regular classroom?

9. Who is providing the majority of educational services for your child? Do you know what proportion of his educational program is the responsibility of a
   --special education teacher,
   --regular class teacher,
   --classroom aide?

10. How would you respond to the concern that some handicapped children are being "dumped" into regular classrooms and thus are receiving fewer educational services than would be provided in self-contained classes or residential settings?

## QUESTIONS

### FAPE QUESTIONS

1. What is your understanding of the term "free appropriate public education?

2. As a parent of a handicapped child can you tell us what, if any, programs are offered by your school district to nonhandicapped children but not to handicapped children?

3. What impact has Public Law 94-142 had to date on the quality and quantity of school services provided the handicapped by your school district?

4. Since the enactment of Public Law 94-142 what progress has been made and what problems remain with respect to the identification, diagnosis and placement of handicapped children?

5. To your knowledge are there any state or local limits on the amount of reimbursement that parents may receive for private school placement or for cost of related services? If there are such limitations, do they conflict with the requirement in Public Law 94-142 that a free appropriate education be provided to every handicapped child between the ages of 5 and 18?

6. As a parent of a handicapped child, how would you rate the overall effort of school administrators and teachers in providing your child with a free appropriate public education?

ANSWERS TO IEP QUESTIONS - MARY FRYER

1. Yes.

2. After the evaluation and testing of our child. We were notified both orally and in writing.

3. All persons who would be directly involved in providing services - i.e. the Learning Center teacher, classroom teacher, school psychologist, and sometimes the Learning Center aide and the school principal, and of course the parents.

4. None were involved in our case.

5. IEP conferences were scheduled at our convenience; yes, we participated actively in these conferences.

6. None personally. But I still have a great deal of concern that the term "emotionally disturbed" and "autism" are often used interchangeably by school officials. This has the potential for doing real disservice to these school age children because the programming for the two disorders is significantly different and what is appropriate for one is often entirely inappropriate for the other. I would like to see persons responsible for the laws pertaining to these two handicaps to give this some serious consideration for change.

7. Holly's Learning Center teacher utilizes a system of ongoing data collection so that at any given time she is able to chart Holly's progress. At the beginning of the school year, Holly is pre-tested to determine at what grade level she is performing in each academic area; just prior to each IEP conference she is again tested to note the progress that has been made; and at the end of the year she is post-tested to determine whether long-range goals were met.

8. Yes.

9. Yes.

10. Perhaps the only thing I can offer here is that I suspect that for some parents the IEP is difficult to understand. It should be made as easy to understand as possible and every effort made by school administration to help parents understand it.

11. None at this point in time. We are considering, however, possible speech and physical therapy.

12. At this point in time I feel comfortable with the provisions of the regulations governing the IEP; I am sure there are others - teachers and parents and administrators who may not feel as I do.

## QUESTIONS

### IEP QUESTIONS

1. Does your child have an IEP?

2. At what stage in the development of the IEP were you encouraged to become actively involved? How were you notified?

3. Who comprised the IEP development team for your child? Was the special education teacher involved in the development of the IEP?

4. Were any social service agencies which might provide related services to your child involved in the development of the IEP?

5. Were your child's IEP conferences scheduled during regular school hours? Did you participate actively in the development of your child's IEP?

6. What, if any, problems did you encounter as a parent in the development or implementation of your child's IEP?

7. What follow-up procedures were used to ensure that the goals and objectives of the IEP were actually carried out in the classroom?

8. In your opinion, were the services of your child's school adequate to implement the provision of his IEP?

9. Do you feel the IEP requirement stipulated by Public Law 94-142 has affected the quality of the educational services available to your child?

10. In your opinion as the parent of a handicapped child how might the process of developing and implementing IEP's be improved?

11. What proportion of your IEP deals with related services, such as transportation, physical therapy, etc.?

12. If you were given the opportunity to amend the Federal regulations which govern the IEP, how would you change them?

## ANSWERS TO FAPE QUESTIONS - MARY FRYER

1. The term, "free appropriate public education" means to me that every handicapped child is entitled to an education and related services needed to provide that education that is individualized to meet the handicapped child's need at public expense -- that is, at no greater cost to the parents than the cost of educating a non-handicapped child.

2. To my knowledge, all programs are open to all children.

3. Our local school district is making special efforts to recruit experienced teachers in special education as well as provide necessary inservicing to classroom teachers. This year we have increased the Learning Center concept to all schools in the district except three. The next school budget will reflect requests to fund the additional three. There will be an increasing emphasis placed on vocational education at the Intermediate School and High School level. Self-contained classrooms are still providing excellent quality programs for the TMR level students. Our school district, in fact, has dropped the term, TMR, and prefers the more correct term, developmentally disabled, so children in those classrooms are less stigmatized by the label, mentally retarded (which was incorrect for many of them anyway). All of this seems very promising.

4. From some of my reading, I understand that some children are not being diagnosed to avoid public school placement because some school districts lack the money to provide appropriate programs for these children. If this is happening I fault not only those school districts for non-compliance of the law, but I also fault Congress for not appropriately funding P.L. 94-142 as it should have been. Nevertheless if school districts can find dollars to fund sports programs, then they can find dollars to educate handicapped children.

5. From what I've been able to learn there is no state across-the-board policy regarding reimbursement for private school placement or for the cost of related services. Oregon is a home rule state and each school district sets its own policy. Some school districts have limitations; others do not. It is possible for parents to request a due process hearing in school districts where there are limitations, but the hearings officer can only make recommendations. It is conceivable that parents living in a rural area might find themselves in a situation of having to request placement in a private school until appropriate programs could be set up in their community. If there were unreasonable limitations set on the amount of reimbursement a family could receive, I would consider that to be in conflict with the law. If a hearing officer ruled in favor of the parents I suspect the school district would abide by the ruling; if the hearing officer ruled not in favor of the parents, then they should pursue due process.

6. Exceptional. Everyone's working as a team. Classroom teachers have been motivated to what amounts to inservicing themselves sometimes and the special education teachers I've been involved with have been outstanding.

Senator **Randolph**. Joyce and Leonard of Huntington are here now and they are the parents of an 8-year-old young boy. Huntington is now our largest city, and we do not have large cities compared with other States. We might with Vermont.

Senator **Stafford**. You do.

Senator **Randolph**. We do with Vermont. But Huntington is a very important city from the standpoint of education.

We are also very fortunate in having a very splendid university, Marshall University. Marshall University has grown in stature not only in student body enrollment but because of our medical school, which is now established at the University, in cooperation with the Veterans' Administration, and is one of the finest schools of this type in the country.

We are gratified at the progress that is being made, and I will take this opportunity to say that the staff has arranged for the deans of the schools of education to form a panel on October 10, I believe. So, at that time we will have the opportunity of going more into the subject matter of university participation, perhaps with the preparation of teaching courses that may be helpful in connection with handicapped children.

And both parents are here today, but one is the witness. And we are very happy that Joyce will do the job for both papa and mama.

Could you put the mike closer? We do want our guests to hear. And you may proceed.

Mrs. **Mossman**. Thank you very much for this opportunity to speak to you about my 8-year-old son, Lennie, who has cerebral palsy, and about our experiences with the educational system under Public Law 94-142.

Lennie was born from 2 to 3 months prematurely and was our first child. He was very tiny at birth and was given very little chance of survival during the early months of his life. When he was about 18 months old, we were told that his condition was that of cerebral palsy, and the frustration, fear, and bitterness we felt was outweighed only by the miracle of his survival.

We know now that Lennie's therapy should have begun as early as 6 months of age but, at that time, we had no knowledge of such a program. When he was 2 years old, we began working with the cerebral palsy clinic in Huntington.

When Lennie was 3 years old, we heard of Crippled Children's Services which were available through the Department of Welfare, and from that agency we have received financial assistance for Lennie's medical and surgical expenses. We are still receiving their assistance, which has been somewhat reduced due to my husband's increased earning capacity.

Through the Crippled Children's Agency, we learned of Region III Childhood Development Services and were accepted for educational assistance. From age 3 to 5, Lennie received instruction and direction from a homebound teacher who visited us twice a week. He also received speech therapy at this time. When he reached age 5, these services terminated.

At this time, during Lennie's fifth year, I had my first contact with the public educational system in West Virginia. During the summer before he entered the preschool class at Highlawn School in Huntington, Lennie attended a 5-week program at the cerebral palsy clinic. His range of capability was extremely limited but he enjoyed the experience and the association with other handicapped children.

Then the frustration began. I had been told to contact the special education coordinator in the school system, and it was like hitting my head against a brick wall. My calls were not returned, and when they finally were, the answers to my questions about enrollment were evasive. After much frustration and delay, I was finally advised 1 week prior to the opening of school that there would be a place for my son in a half-day preschool program.

When we arrived at the school that first day, I was appalled at the existing conditions. The handicapped children were completely segregated from the other students in a distant wing of the building a great distance from the cafeteria; the physical facilities were very poor; there was no storage space for supplies, which were practically nonexistent; there were no trash cans with lids to hold soiled diapers; there was inadequate staffing; the children represented a broad range of age and disability, with only one teacher and one teacher's aide for all. There was no area of privacy for dressing and undressing the children and, to my knowledge, an evaluation of my child's condition or capacity was never conducted.

Somehow we survived that first year. At age 5½, Lennie again attended the summer cerebral palsy clinic for preschool orientation.

At age 6, he began the full-day kindergarten class for handicapped children. While a school bus was provided, the lengthy transportation time cut into the instructional day from both ends, morning and afternoon. Lennie attended this class for several weeks, at which time it was necessary for him to undergo orthopedic surgery on both legs. He was out of school for most of the year but, after much prodding, the board of education did provide homebound instruction 2 or 3 days a week. At about this time, an unofficial parent group was formed consisting of 10 or 11 concerned parent couples who were as frustrated as I at the lack of proper facilities and services provided for our handicapped children. At that time, we became aware of the existence of Public Law 94-142, a law guaranteeing all handicapped children the right to a free and appropriate public education. It became apparent that at least the Federal Government recognized that God gives His special children only to those special parents with the stamina and faith to sustain them. We heard at that time that the Governor of West Virginia had formed an agency called the West Virginia Advocates for the Developmentally Disabled, which provided counseling and legal services for handicapped individuals to assure that their rights were not violated. The other parents and I began to meet regularly to exchange ideas and experiences. We began to see the light at the end of the long tunnel.

At age 7, Lennie attended a 5-week summer session sponsored by Marshall University for general education and social orientation. He also had 1 week of day camp. He was then ready for kindergarten, but still no professional evaluations had been conducted.

Last year, at age 7, Lennie was partially mainstreamed into a full day kindergarten class at Highlawn. The morning hours were spent in the handicapped class and from 12:20 to 2 p.m., he was in the regular class with normal children. In the handicapped class he began to register accomplishment due to the excellent special education teacher and aide, but accomplished very little in the regular classroom. We were heartsick to learn that he had been excluded from all field trips and from participation in any group social activities outside the school building.

Again the physical conditions in the school were appalling. There was no carpeting on the floor for those children who could leave their wheelchairs; many fire hazards existed; the bathroom was inadequate; there was only one teacher and one aide for an overcrowded classroom containing children from 6 to 14 years old, some of whom were profoundly retarded. The only cleaning supplies were those bought by the teacher, and other equipment was furnished by an interested local group of policemen and other citizens of the community who volunteered to help. In the midst of all this, my 7-year-old son reverted to infantile bathroom behavior because there was no one to attend to his needs or assist him in becoming self-sufficient.

Our unofficial parent group, which had tried all approaches to the school board for over a year with no success and had even considered picketing the school or marching on Washington, decided that something must be done to bring about improved conditions. Through a news article, one parent heard about WVADD and its legal arm, the Appalachian research and defense fund. A meeting was arranged with Gail Falk, the attorney, and Stuart May, the executive director of WVADD. They explained our rights and the various legal approaches available to us. Having exhausted all other possible courses of action, we then authorized the institution of procedures for a due process hearing. Our complaint did not involve the teaching staff, which was excellent, but rather the barriers to effective teaching and learning such as the short instructional day, inadequate transportation services, excessive age and disability range of pupils in the classroom, inadequate resources, unsafe conditions and inadequate emergency procedures. The wheels were set in motion for a due process hearing before an impartial hearing officer.

The hearing consisted of 2 separate days of testimony by parents and medical and school system personnel.

Senator **RANDOLPH**. What year was this?

Mrs. **MOSSMAN**. This was last year.

Senator **RANDOLPH**. Last year?

Mrs. **MOSSMAN**. Yes.

Senator **RANDOLPH**. Thank you.

Mrs. **MOSSMAN**. The board of education tried to justify its position and did not wish to stick to the points of contention, but justice prevailed. After a 3-month waiting period, the hearing officer's final decision was that these handicapped children were being denied the full range of services to which they were entitled under law.

The positive changes which have taken place since then are hard to believe. My son is now 8 years old, and this year there are only six children in his classroom, with a separation of the higher achievers from the slower ones. The room has been carpeted so the children can move around on the floor. More appropriate furniture and equipment has been provided and there is an accessible intercom system for use in case of emergency. The bathroom has been enlarged and there are more supplies and materials. The group is more compatible and there is increased teacher attention for educational purposes. The busing situation has improved. Lennie is much happier and more cooperative.

From my point of view, the due process hearing was definitely worthwhile and was accomplished through the services of WVADD and its legal services division. For the sake of our children, the other parents and I found it necessary to invoke Public Law 94-142 and we have found that it really does work. It is good to know that we do not stand alone and that the WVADD agency has begun a series of training workshops for parents of handicapped children in all areas of the State of West Virginia. They are working also with the State board of education to recruit more special education teachers.

It has been a personal pleasure to address you today with a brief history of the experience of one handicapped child and his parents in achieving the realization of his rights. We have had some disappointments but there is a hopeful outlook for the future of handicapped persons everywhere.

Thank you for helping us to hold our heads up and for your attention not only to the letter of the law, but to the spirit of the law as well.

Thank you.

Senator **Randolph**. Thank you very much for testifying, Joyce.

We in our subcommittee and in the committee and in the Senate, by the congressional action of 1975 with the enactment of Public Law 94-142 have been able, as you have indicated, to help you to make progress with reference to your own son and other handicapped children. You have been very critical of the administrative staffs of the county board of education. Would you want to say that perhaps—and you say what you want—that they really were faced with a situation they hadn't actually become aware of in the sense that they became aware of it later?

Would you comment?

Mrs. **Mossman**. Well, I can say only this: As a parent, we went to the Board of Education, we went to two private meetings, we went to public meetings, we worked with them for over a year. We would go into the sessions and we would explain every little detail that was a problem.

We were asking for things that were basic needs and they said they would not get us things and they did not.

And we kept after them and after them until we just got too tired of waiting, because the children's needs were being left behind.

And they said that maybe next year we could get certain things. Within 1 year of a handicapped child, if they don't get the adequate provisions and things, it would set them back 2 or 3 years.

So we gave them a very long time to help out and they did not. The due process hearing, though, when we did set it into action, when they heard we were going to start the due process hearing, they started coming around. And they started with the bussing situation and things.

So I don't really know if it was because the due process hearing was coming out and they knew the date, or if they decided we really meant business and we really needed things.

Senator **Randolph**. Well, you did not have the response, then, in the ordinary manner, so you had to go the due process?

Mrs. **Mossman**. Right.

Senator **Randolph**. And you feel now that brought about the change?

Mrs. **Mossman**. Yes. And they have been more responsive since then because I think they know that since we, as parents and a group, are watching over them, that they know that we, you know, we are watching and they continue with this.

But I think this sort of had to wake them up a little.

Senator **Randolph**. Leonard, do you want to make a comment?

Mr. **Mossman**. I think she said it just fine.

Senator **Randolph**. Fine. That is good.

Thank you.

Now, does your son have an IEP?

Mrs. **Mossman**. Yes.

Now, this last year we have worked on the IEP's with the teachers. We have had a hearing and everything like that. I don't know if it is called a hearing or not, but it is an IEP board meeting. And we had a lot of input on that. We had a few things that we requested for and we got. And on the whole, that was a very good situation.

Senator **Randolph**. Do you have any thoughts how a IEP could be improved?

Mrs. **Mossman**. IEP?

Senator **Randolph**. Yes.

Mrs. **Mossman**. Well, to tell you the truth, a lot of the parents are not involved as much as I am. And they really do not know the situation at the schools as much. I am a homeroom mother and other things. I am up there a lot to help out.

For some parents, especially those who work and cannot come to the school and things, I think if they were involved in more during the school year like sending home maybe some sort of evaluation from time to time on the children, where they are keeping them involved, and update on the progress, that the IEP's would be a lot easier to make for the children for the next year. Because sometimes you go into the meeting and you do not know what they are doing and what they should be doing.

Senator **Randolph**. Go back. I am thinking now of due process. That process worked well in the final decision?

Mrs. **Mossman**. Yes.

Senator **Randolph**. But you said that it was 3 months before a decision was made?

Mrs. **Mossman**. Yes.

Senator **Randolph**. And then at that time the school system responded with the improvements?

Mrs. **Mossman**. Yes.

Senator **Randolph**. And you acknowledge them and are thankful for them?

Mrs. **Mossman**. Yes; definitely.

Senator RANDOLPH. Do you feel the 3 months is too long? Should there have been a decision much sooner?

Mrs. MOSSMAN. Yes; I do.

The problem was not with the hearing officer, because he made his mind up very quickly after receiving all the materials. It was the fault of the stenographers getting the script to the hearing officer, because it was a very lengthy hearing. It was 2 days, but it was a full 2 days with a lot of testimony. And it took awhile for the stenographers to get everything wrote up and ready for the hearing officer to read again. So it was like 3 months, and I think it was only like 1 month that you are supposed to have a decision. And because of the 3-month waiting period, we did not begin our things like of the IEP's.

We did not make up our minds on things and what would happen.

There was like 10 or 12 kids in one room. OK, one of the problems was that we couldn't give the children enough attention span. So we couldn't make up our minds on the IEP's until after the hearing was settled. And this came in testimony. So we had to wait for the IEP's until after the hearing was settled.

But the board of education did say that they would go on the assumption that we had won even though they hadn't heard from the hearing officer.

Senator RANDOLPH. Do you feel, then, in this case, which you hesitated to bring, had the due process not moved in the way it did, that it would have been a long time perhaps before the services were available?

Mrs. MOSSMAN. Definitely. The classrooms were in such bad shape and overcrowded, and right now there are three more children. If they had put them in with the other class and if they had stayed the same, it would have been a definite fire hazard and no way the teacher could have taught that many children at one time. So it has been a definite improvement.

Senator RANDOLPH. How many handicapped children are within the program?

Mrs. MOSSMAN. In Cabell County?

Senator RANDOLPH. Yes.

Mrs. MOSSMAN. The physically handicapped, I don't know for sure. Last year there was 10 in my son's room, and there was about 8 in another classroom.

And that was in Highlawn School. I don't know about the junior highs. I think that is about the amount for the elementary school. It is about 18 for elementary age that I know.

Senator RANDOLPH. Thank you very much, Joyce and Leonard, for coming and giving us this helpful testimony about due process.

We are glad that back of all of this stood this law which makes it possible to do exactly what you have done.

Senator STAFFORD. I add to your sentiments, Mr. Chairman. It is nice to hear from a witness with your experience that a statute that we enacted here in the Congress actually has worked because all too frequently we hear from our constituents about things we have done here that in their viewpoint do not work. It is nice to know one has.

Senator RANDOLPH. We thank you very much.

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Mrs. **Mossman**. Thank you.

Senator **Randolph**. Thank you both.

[The prepared statement of Ms. Mossman and responses to questions of Senator Randolph by Ms. Mossman and Ms. Standifur follows:]

## TESTIMONY OF MS. JOYCE MOSSMAN OF HUNTINGTON, WEST VIRGINIA

OCTOBER 1, 1979

TO THE DISTINGUISHED MEMBERS OF THE SENATE SUBCOMMITTEE
ON EDUCATION FOR HANDICAPPED CHILDREN:

Thank you very much for this opportunity to speak to you about my eight-year old son, Lennie, who has cerebral palsy, and about our experiences with the educational system under Public Law 94-142.

Lennie was born from 2 to 3 months prematurely and was our first child. He was very tiny at birth and was given very little chance of survival during the early months of his life. When he was about 18 months old we were told that his condition was that of Cerebral Palsy, and the frustration, fear and bitterness we felt was outweighed only by the miracle of his survival.

We know now that Lennie's therapy should have begun as early as 6 months of age, but at that time we had no knowledge of such a program. When he was 2 years old we began working with the Cerebral Palsy Clinic in Huntington.

When Lennie was 3 years old we heard of Crippled Children's Services which were available through the Department of Welfare, and from that agency we have received financial assistance for Lennie's medical and surgical expenses. We are still receiving their assistance, which has been somewhat reduced due to my husband's increased earning capacity.

Through the Crippled Children's agency we learned of Region III Childhood Development Services and were accepted for educational assistance. From age 3 to 5, Lennie received instruction and direction from a Homebound Teacher who visited us twice a week. He also received speech therapy at this time. When he reached age 5, these services terminated.

At this time, during Lennie's fifth year, I had my first contact with the public educational system in West Virginia. During the summer before he entered the pre-school class at Highlawn School in Huntington, Lennie attended a 5-week program at the Cerebral Palsy Clinic. His range of capability was extremely limited but he enjoyed the experience and the association with other handicapped children.

Then the frustration began. I had been told to contact the Special Education Coordinator in the school system and it was like hitting my head against a brick wall. My calls were not returned and when they finally were, the answers to my questions about enrollment were evasive. After much frustration and delay, I was finally advised one week prior to the opening of school that there would be a place for my son in a half-day pre-school program.

When we arrived at the school that first day I was appalled at the existing conditions. The handicapped children were completely segregated from the other students in a distant wing of the building a great distance from the cafeteria; the physical facilities were very poor; there was no storage space for supplies, which were practically non-existent; there were no trash cans with lids to hold soiled diapers; there was inadequate staffing; the children represented a broad range of age and disability, with only one teacher and one teacher's aide for all. There was no area of privacy for dressing and undressing the children, and to my knowledge an evaluation of my child's condition or capability was never conducted.

Somehow we survived that first year. At age 5-1/2 Lennie again attended the summer Cerebral Palsy Clinic for pre-school orientation.

At age 6 he began the full day kindergarten class for handicapped children. While a school bus was provided, the lengthy transportation time cut into the instructional day from both ends, morning and afternoon. Lennie attended this class for several weeks, at which time it was necessary for him to undergo orthopedic surgery on both legs. He was out of school for most of the year, but after much prodding the Board of Education did provide homebound instruction 2 or 3 days a week. At about this time an unofficial parent group was formed consisting of 10 or 11 parent couples who were as frustrated as I at the lack of proper facilities and services provided for our handicapped children. At that time we became aware of the existence of Public Law 94-142, a law guaranteeing all handicapped children the right to a free and appropriate public education. It became apparent that at least the federal government recognized that God gives His special children only to those special parents with the stamina and faith to sustain them. We heard at that time that the Governor of West Virginia had formed an agency called the "West Virginia Advocates for the Developmentally Disabled" which provided counseling and legal services for handicapped individuals to assure that their rights were not violated. The other parents and I began to meet regularly to exchange ideas and experiences. We began to see light at the end of the long tunnel.

At age 7, Lennie attended a 5-week summer session sponsored by Marshall University for general education and social orientation. He also had one week of day camp. He was then ready for Kindergarten, but still no professional evaluations had been conducted.

Last year, at age 7, Lennie was partially "mainstreamed" into a full day Kindergarten class at Highlawn. The morning hours were spent in the handicapped class and from 12:20 to 2:00 p.m. he was in the regular class with normal children. In the handicapped class he began to register accomplishment due to the excellent Special Education teacher and aide, but accomplished very little in the regular classroom. We were heartsick to learn that he had been excluded from all field trips and from participation in any group social activities outside the school building.

Again, the physical conditions in the school were appalling. There was no carpeting on the floor for those children who could leave their wheelchairs; many fire hazards existed; the bathroom was inadequate; there was only one teacher and one aide for an overcrowded classroom containing children from 6 to 14 years old, some of whom were profoundly retarded. The only cleaning supplies were those bought by the teacher, and other equipment was furnished by an interested local group of policemen and other citizens of the community who volunteered to help. In the midst of all this, my 7-year old son reverted to infantile bathroom behavior because there was no one to attend to his needs or assist him in becoming self-sufficient.

Our unofficial parent group, which had tried all approaches to the School Board for over a year with no success and had even considered picketing the school or marching on Washington, decided that something must be done to bring about improved conditions. Through a news article, one parent heard about WVADD and its legal arm, the Appalachian Research and Defense Fund. A meeting was arranged with Gail Falk, the attorney and Stuart May, the Executive Director of WVADD. They explained our rights and the various legal approaches available to us. Having exhausted all other possible courses of action, we then authorized the institution of procedures for a due process hearing. Our complaint did not involve the teaching staff, which was excellent, but rather the barriers to effective teaching and learning such as the short instructional day, inadequate transportation services, excessive age and disability range of pupils in the classroom, inadequate resources, unsafe conditions and inadequate emergency procedures. The wheels were set in motion for a "due process hearing" before an impartial hearing officer.

The hearing consisted of two separate days of testimony by parents and medical and school system personnel. The Board of Education tried to justify its position and did not wish to stick to the points of contention, but justiceprevailed. After a three-month waiting period, the hearing officer's final decision was that these handicapped children were being denied the full range of services to which they were entitled under law.

The positive changes which have taken place since then are hard to believe. My son is now eight years old, and this year there are only 6 children in his classroom, with a separation of the higher achievers from the slower ones. The room has been carpeted so the children can move around on the floor. More appropriate furniture and equipment has been provided and there is an accessible intercom system for use in case of emergency. The bathroom has been enlarged and there are more supplies and materials. The group is more compatible and there is increased teacher attention for educational purposes. The bussing situation has improved. Lennie is much happier and more cooperative.

From my point of view, the due process hearing was definitely worthwhile and was accomplished through the services of WVADD and its legal services division. For the sake of our children, the other parents and I found it necessary to invoke Public Law 94-142 and we have found that it really does work. It is good to know that we do not stand alone and that the WVADD agency has begun a series of training workshops for parents of handicapped children in all areas of the State of West Virginia. They are working also with the State Board of Education to recruit more Special Education teachers.

It has been a personal pleasure to address you today with a brief history of the experience of one handicapped child and his parents in achieving the realization of his rights. We have had some disappointments but there is a hopeful outlook for the future of handicapped persons everywhere. Thank you for helping us to hold our heads up, and for your attention not only to the "letter of the law," -- but to the "spirit of the law" as well.

Thank you.

* * *

OCT 18 1979

Received
Date 10-18-79
Subcommittee on
The Handicapped

Joyce Mossman
428 5th Street
Huntington, WV 25701

Dear Senator Randolph

Thank you for hearing my testimony for the Subcommittee of the Handicapped on the first of October. After my testimony, I received a written questionaire and my answers follow. Thank you again for your concern for the handicapped. They need all the help and support they can get.

1. I understand the requirements of Public Law 94-142 regarding placement of handicapped children in last restrictive environments as being an environment free of barriers, both educational and physical. Educational such as proper teaching supplies and equipment and good unbiased teachers. Physical barriers such as an environment with only steps, inaccessible toilets and water fountains, and improper furniture like tables and chairs not designed for wheel chairs and the handicapped.

   Correct teaching aids, proper teaching staff, and aids for the handicapped all play an important part in being a least restrictive environment, so the child can work on getting an education as other children,regardless if he has a handicap or not.

2. My son, who has cerebral Palsy and in a wheelchair, has had some changes in his classroom because of Public Law 94-142. Some of the larger corrections was carpeting (for warmth and protection) larger bathrooms, accessable sink and bars on the wall at the commode. Correct desks for wheelchairs, special teaching aides and equipment, all have been provided because of Public Law 94-142. My son can now move around more easily and can work better because of the new equipment.

3. Yes, my son attends first grade about one-half hour or forty-five minutes a day.

4. Lennie, my son, attends music class with the regular first grade. He also is in the class when the other children are doing phonic sounds with the alphabet.

5. I feel the time Lennie spends in the regular classroom is appropriate at this time, except that he is supposed to attend closing and opening exercises in the regular class. He is not attending these exercises because of busing situations.

6. The first grade teacher which my son is under, has helped with an aide, which is with the special educational class. The aide goes with Lennie to the first grade, and helps give the extra attention to the teaching which my son needs. He will be weaned of this situation soon. He will then be on his own in this class.

7. The regular classroom has an average of eighteen children. His special education class has six children.

8. We haven't encountered many problems with the children. The only problem has been that these children want to baby and pet Lennie. And they want to do all his work for him. They are trying to be nice but I'd rather he didn't have so much attention.

9. The majority of his time is spent in his special educational classroom, with his special education teacher and aide which share the work.

10. Some children are being dumped into regular classrooms. Either because they are not ready for that type of work or the teacher hasn't the time or doesn't give the extra time to these children, they are not doing well. I encourage mainstreaming into regular classes when the student can keep up, because they need the association with normal children and adults because they will have to adapt to the "Normal World" later in life. Most will not live only around the handicapped people but also will live with the "Normal Ones".

With parent concern and involvment most of these "dumpings" can lead into a better educational experience.

## I.E.P. Questions

1. Lennie does have an I.E.P.
2. I was envolved with the making of my son's I.E.P. from the start with th P.A.C. meetings on what to do with him for this year. I had written notices that these educators and involved persons would meet at a date and time conveniant to me.
3. The team included the principle of the school, the assistant to the coordenator of special education, his kindergarden teacher, his speech therapist, physical therapist, me, an evaluator of his test and his special education teacher were all involved at this time.
4. Yes, as stated the therapists and one evaluator.
5. The I.E.P. developed in a session after school had let out for the summer. Yes, I had my say in making his I.E.P.
6. Some of the educators thought Lennie wasn't ready for so much of regular class activities but his special education teacher and I stood our ground and won. Lennie has since proved us correct.
7. I had wrote into his I.E.P. that it would be re-evaluated in November. In case things didn't work out the way I hoped and I keep tabs on my son's progress from his teachers.
8. Basically yes. Except the busing which interfers with his classes.
9. Yes, I do. Because now they have a planned guide line with goal dates for each student and they can tell which things need more work or things which they are achieving at certain times of the year. And the regular teachers can use this guide also.
10. One thing that could be helpful could be the attendance, if possible.

# FAPE QUESTIONS

1. My understanding of the term "free appropriate public education" is without cost to the parent, the child would be taught in a maner that the child would learn during the school year.

2. The non-handicapped children can receive Math and reading specialist teachers but because of Federal Funding overlapping our handicapped children can not receive these aides. There are several children who could benefit from these teachers in the handicapped classroom but can not receive the teaching because of "Federal Red Tape".

3. Now after the public law 94-142, therapist are now being provided for our handicapped children. Also more evaluations are being made. The children have also had their hearing cheched.

4. There has not been enough evaluations on all of our children's problems. Some children have multiple handicaps and only the major problems are treated and not the smaller handicaps.

5. I have heard that if you want your child to go to a private school, you have to prove the private school would be a better equipped school than the public school which is hard to do.

6. Since we had to go to the due process hearing the administrators are more cooperative but they still are not very receptive to suggestions. Before this hearing, though, they did not cooperate at all.

Sincerely yours

Joyce Mossman

Joyce Mossman

## QUESTIONS

### LRE QUESTIONS

1. What do you understand the requirements of Public Law 94-142 to be regarding the placement of handicapped children in least restrictive environments?

2. What changes have occurred with respect to the placement of your handicapped child in a least restrictive environment as required under Public Law 94-142?

3. Does your child spend any part of his day in a regular classroom?

4. For what activities is your child included in the regular class program?

5. Do you feel the time spent in the regular class is appropriate to your child's educational needs?

6. Do you know whether the regular class teacher receives any special assistance or materials in order to develop an appropriate individualized program for your child in the regular class?

7. What are the differences in class size between the regular class and special education class your child attends?

8. Have there been any problems with nonhandicapped students accepting handicapped children in the regular classroom?

9. Who is providing the majority of educational services for your child? Do you know what proportion of his educational program is the responsibility of a
   - --special education teacher,
   - --regular class teacher,
   - --classroom aide?

10. How would you respond to the concern that some handicapped children are being "dumped" into regular classrooms and thus are receiving fewer educational services than would be provided in self-contained classes or residential settings?

## QUESTIONS

### IEP QUESTIONS

1. Does your child have an IEP?

2. At what stage in the development of the IEP were you encouraged to become actively involved? How were you notified?

3. Who comprised the IEP development team for your child? Was the special education teacher involved in the development of the IEP?

4. Were any social service agencies which might provide related services to your child involved in the development of the IEP?

5. Were your child's IEP conferences scheduled during regular school hours? Did you participate actively in the development of your child's IEP?

6. What, if any, problems did you encounter as a parent in the development or implementation of your child's IEP?

7. What follow-up procedures were used to ensure that the goals and objectives of the IEP were actually carried out in the classroom?

8. In your opinion, were the services of your child's school adequate to implement the provision of his IEP?

9. Do you feel the IEP requirement stipulated by Public Law 94-142 has affected the quality of the educational services available to your child?

10. In your opinion as the parent of a handicapped child how might the process of developing and implementing IEP's be improved?

11. What proportion of your IEP deals with related services, such as transportation, physical therapy, etc.?

12. If you were given the opportunity to amend the Federal regulations which govern the IEP, how would you change them?

## QUESTIONS

### FAPE QUESTIONS

1. What is your understanding of the term "free appropriate public education?

2. As a parent of a handicapped child can you tell us what, if any, programs are offered by your school district to nonhandicapped children but not to handicapped children?

3. What impact has Public Law 94-142 had to date on the quality and quantity of school services provided the handicapped by your school district?

4. Since the enactment of Public Law 94-142 what progress has been made and what problems remain with respect to the identification, diagnosis and placement of handicapped children?

5. To your knowledge are there any state or local limits on the amount of reimbursement that parents may receive for private school placement or for cost of related services? If there are such limitations, do they conflict with the requirement in Public Law 94-142 that a free appropriate education be provided to every handicapped child between the ages of 5 and 18?

6. As a parent of a handicapped child, how would you rate the overall effort of school administrators and teachers in providing your child with a free appropriate public education?

LORETTA STANDIFUR

LRE Questions

Question 1. What do you understand the requirements of Public Law 94-142 to be regarding the placement of handicapped children in least restrictive environment?

Answer 1. To place a child where he can learn best.

Question 2. What changes have occured with respect to the placement of your handicapped child in a least restrictive environment as required under Public Law 94-142?

Answer 2. Placement was no problem--related services were.

Question 3. Does your child spend any part of his day in a regular classroom?

Answer 3. All day in a regular classroom.

Question 4. For what activities is your child included in the regular class program?

Answer 4. All

Question 5. Do you feel the time spent in the regular class is appropriate to your child's educational needs?

Answer 5. Yes.

Question 6. Do you know whether the regular class teacher receives any special assistance or materials in order to develop an appropriate individualized program for your child in the regular class?

Answer 6. Yes, she does.

Question 7. What are the differences in class size between the regular class and special education class your child attends?

Answer 7. Does not apply.

Question 8. Have there been any problems with nonhandicapped students accepting handicapped children in the regular classroom?

Answer 8. No problems.

Question 9. Who is providing the majority of educational services for your child? Do you know what proportion of his educational program is the responsibility of a

--special education teacher,
*--regular class teacher, - academics
*--classroom aide? - physical needs and supervision

Question 10. How would you respond to the concern that some handicapped children are being "dumped" into regular classrooms and thus are receiving fewer educational services than would be provided in self-contained classes or residential settings?

Answer 10. There would be fewer educational services if the teacher receives additional help and supportive services as indicated for the special needs of that handicapped child. Sometimes being with other children can in itself be a learning experience.

IEP Questions

Question 1. Does you child have an IEP?

Answer 1. Yes.

Question 2. At what stage in the development of the IEP were you encouraged to become actively involved? How were you notified?

Answer 2. I was not notified. I almost had to force the Board of Education to write an IEP.

Question 3. Who comprised the IEP development team for your child? Was the special education teacher involved in the development of the IEP?

Answer 3. Special education director, teacher of physically handicapped, psychologist.

Question 4. Were any social service agencies which might provide related services to your child involved in the development of the IEP?

Answer 4. No.

Question 5. Were you child's IEP conferences scheduled during regular school hours? Did you participate actively in the development of your child's IEP?

Answer 5. It was during school hours and I was actively involved.

Question 6. What, if any, problems did you encounter as a parent in the development or implementation of your child's IEP?

Answer 6. It took several months to implement the plan and we still have no transportation after one year.

Question 7. What follow-up procedures were used to ensure that the goals and objectives of the IEP were actually carried out in the classroom?

Answer 7. None.

Question 8. In your opinion, were the services of your child's school adequate to implement the provision of his IEP?

Answer 8. Yes.

Question 9. Do you feel the IEP requirement stipulated by Public Law 94-142 has affected the quality of the educational services available to your child?

Answer 9. Yes.

Question 10. In your opinion as the parent of a handicapped child how might the process of developing and implementing IEP's be improved?

Answer 10. Parents need to be more knowledgeable and shouldn't have to fight for implementation.

Question 11. What proporation of your IEP deals with related services, such as transportation, physical therapy, etc.?

Answer 11. Almost all of the IEP is for related services.

Question 12. If you were given the opportunity to amend the Federal regulations which govern the IEP, how would you change them?

Answer 12. The regulations seem adequate to deal with the problems encounterd but there is no enforcement being done to be sure of compliance with IEP's.

FAPE Questions

Question 1. What is your understanding of the term "free appropriate public education"?

Answer 1. Parents should not have to pay expenses necessary for educating their children.

Question 2. As a parent of a handicapped child can you tell us what, if any, programs are offered by your school district to nonhandicapped children but not to handicapped children?

Answer 2. None to my knowledge.

Question 3. What impact has Public Law 94-142 had to date on the quality and quantity of school services provided the handicapped by your school district?

Answer 3. The schools only provide what they feel "forced" to provide.

Question 4. Since the enactment of Public Law 94-142 what progress has been made and what problesm remain with respect to the identification, diagnosis and placement of handicapped children?

Answer 4. So far it's mostly talking of what needs to be done. Some "screening" is done.

Question 5. To your knowledge a [illegible] any state or local limits on teh amount of reimbursement that parents may receive for private school placement or for cost of related services? If there are such limitations, do they conflict with the requirement in Public Law 94-142 that a free appropriate education be provided to every handicapped child between the ages of 5 and 18?

Answer 5. I know of no such reimbursement in our county.

Question 6. As a parent of a handicapped child, how would you rate the overall effort of school administrators and teachers in providing your child with a free appropriate public education?

Answer 6. The teachers seem very receptive to handicapped children. The whole process "bogs" down in the administrative level. These people either don't know how to get things done or don't care. They are very slow in moving from diagnosis to IEP to implementation.

General Questions

Question 1. What resources now exist in your community for informing parents of handicapped children of their rights?

Answer 1. None.

Question 2. What role do the public schools play in dispersing this information?

Answer 2. They give pamphlets to school children which don't always get to the people who need to know the information.

Question 3. In your opinion, what steps might be taken by the school districts in your area to improve this information sharing process?

Answer 3. Advertisements - special meetings set up in each local school districts. I think the school should go to the parents not vice versa.

Question 4. You have expressed concern with the identification procedures used to differentiate the slow learner from the educably mentally retarded. If your experience, what testing procedures are used for determining and placing such students in your area?

Answer 4. There are psychological tests given by school psychologists.

Question 5. At present, what opportunities are denied the handicapped student placed in a class for the educably mentally retarded?

Answer 5. There are no physically handicapped students in our local EMR classes. Those with more than one handicap are segregated in a separate school.

Question 6. What type of graduation certification is provided for handicapped children served in various eductional environments, e.g. public school, special class, residential placements?

Answer 6. After checking I found that all students receive a diploma.

Question 7. Among the various types of certification awarded handicapped students what restrictions are there with respect to college admission or employment?

Answer 7. None that I know of.

Question 8. At this point, what vocational education opportunities are available to handicapped students?

Answer 8. None, unless recently initiated.

Senator **Randolph**. Mrs. Crawford and Mrs. Knowlan.

The testimony as we received it is detailed and very helpful.

## STATEMENT OF DOROTHY CRAWFORD, PARENT, SCOTTSDALE, ARIZ., AND KATHY KNOWLAN, PARENT, SEATTLE, WASH.

Mrs. **Crawford**. It is an honor to be here. I am the parent of six sons and one daughter.

My two youngest sons have learning disabilities. So, consequently, since my sons are older than the children of other parents who have been testifying on behalf of their children, perhaps my testimony will appear to be more impersonal than which has come forth.

Today my testimony is from a parent's perspective and will focus on three areas of the act. These are: A free and appropriate public education; least restrictive environment; and individualized education program.

I think it is essential that part of the regulations be revised to more clearly delineate the intent of Congress, and particularly insuring services for those individuals with mild to moderate learning disabilities and mentally retarded; and the less severely emotionally handicapped.

I quote a key word—"appropriate." I have found that first of all the educational system wields a powerful stick in setting procedures for identifying, placing and planning special services. I think few parents are able to buck the establishment. Even today, many parents are terribly naive and uninformed about their rights.

Consequently, many less severely handicapped fall into the cracks. These are the children whose handicaps are more subtle. They are neglected and flounder along as best they can.

The mildly handicapped children are most often those with learning disabilities or borderline mentally retarded, children with tremendous potential. In my judgment, there is quite a loophole in the present regulations which lends an out to school administrators; the loophole being that mildly handicapped children are either not referred—at least by any school personnel—or else, if referred, are not found to be handicapped per the school psychologist's interpretation of the diagnostic evaluation.

Some method needs to be established and implemented to delete this travesty of justice whereby some handicapped children are still being denied their rights.

I am aware the law states the most severely handicapped and/or those not being served have priority for services. However, we must start planning to serve the less severely handicapped by September 1980 if these children are to receive services commensurate with their handicapping condition.

My son was originally diagnosed as autistic at the age of 2 and severely mentally retarded at 5, and finally LD at about 11 years, unable to read and barely able to speak adequately.

He graduated from high school this past year with a verbal IQ of 98 and performance IQ of 136, which is well in the range of average or above average intelligence.

His public school program was in a resource center which was that of a cross categorical nature. A resource program is hardly adequate, let alone appropriate, for a young man who, at the age of 16 years, 8 months, has an outside evaluation with the following results and recommendations:

He was functioning 11 years below his age in auditory memory or word use. He was functioning academically at the fifth grade level, or 7 years below age expectation in all academic skills.

At that time, he had an evaluation. It was found he really should be placed in a good vocational education program that would allow him to use his strengths in the nondominant hemisphere functioning areas. We do not have an adequate vocational education program even today for the less severely handicapped children.

There are two kinds. One called a technical vocation education, which means in essence for the average or mildly handicapped student. The technical educational programs normally are the kind that LD's cannot compete in as they are academically limited. The regular vocational education programs are more for the trainable mentally retarded. Once again, the LD's are on the periphery of services. Least restrictive environment: This particular section of the act was read by many parents, myself included, and we felt finally our children would be able to attend school as first class citizens. Little did we realize that the least restrictive environment would become a means for LD children to receive token programs.

The concept of least restrictive environment in theory is excellent. However, many LD children need programs that can only be obtained in a very structured approach with educators knowledgeable and competent in methodologies that best serve these youngsters.

Unfortunately, few classroom teachers are qualified to remediate the learning disability. Add this situation to a 40 minute, three-times-a-week remediation session in a resource program and one is programing failure for the LD population.

The fact of the matter is, when an LD child leaves the classroom for a 40-minute session in the resource room, 40 minutes later he returns to his classroom situation not where he left off; but where the class is when he returns. Then, too, some local school districts justify mainstreaming or a limited resource program for the mildly to moderate retarded and LD students on the basis of this part of the act.

The point is that least restrictive environment should have policies and procedures so there is less opportunity to misinterpret the intent. Policy and procedures should be drawn so that the least restrictive environment truly is commensurate with the child's needs.

We are looking at a situation where I feel in order for a school district to be able to afford adequate services for all the handicapped that there is a need for regular classroom teachers, in other words, those in general education, to be mandated in order to be certified and teach to take at least 6 hours of speech education course work in methodology and recognition of handicapping conditions.

If not, I fear the school districts will continue to struggle with budgets and will continue to be unable to provide appropriate services for all the handicapped.

The last area I would like to cover is on the individualized education program. I found as a parent that has been actively involved in seeking services for my two sons over many, many years, the IEP should be the mandate for the services. In other words, the contract. However, very few parents really realize and understand their role and responsibility and their rights with respect to being a member of the team for the IEP.

There is such a conglomerate of kinds of tasks for parents to be involved in and needs to understand that for the unsophisticated it is just almost too much to expect them to be able to function in this area.

And yet they as parents are the persons that should be the advocates, real advocates, for their children, and be able to see that their child receives more than just abstract kinds of planning.

I am not challenging the need for parent involvement as a team member, but I am just saying that I think at the present time it is very difficult for parents to learn how to become a good working team member; especially in writing the IEP.

In sum, I would like to say, I think there is a light at the end of the tunnel that Public Law 94-142 is a vehicle that commands that the handicapped be served. I would like it to be known that I do not want this testimony to be considered as an indictment of this country's educational system, rather a critique of the act and summation of needs from my viewpoint.

My strongest recommendation is the Bureau of Educationally Handicapped, Office of Education, be instructed to devise more efficient and effective methods for monitoring and evaluating and providing accountability for the special education programs throughout this country.

I feel that the monitoring teams that are involved in looking at the paper program and making certain that we are providing the paper programs, in fact, be concerned citizens for the handicapped.

Parents should be involved as members and there should be members of the team without any conflicts of interest. Therefore, I think it would seem more prudent to use private, nonprofit agency coalitions for the task of monitoring. Hopefully, this plan would insure that all children regardless of handicapping conditions, receive a free appropriate education in the least restrictive environment, with an IEP designed to meet each individual's unique needs.

I know that it is probably too late for either of my sons to really benefit from Public Law 94-142. However, I think they are going to make it on their own because they had certain services from at least within the family. But I do believe that it should be on record that the act is a monument dedicated to enrich and enhance the lives of the millions of handicapped. It also gives recognition and demands acceptance for all the handicapped regardless of their age.

And in closing, as a parent, I would like to gratefully acknowledge the efforts of this Oversight Committee and, indeed, all of Congress for your astute foresight, compassion and concern for all handicapped children.

Thank you.

Senator **Randolph**. Thank you very much, Mrs. Crawford.

Your testimony goes beyond other testimony which has been given to us.

What efforts are made in Scottsdale for in-service training of regular teachers?

Mrs. **Crawford**. I think we can go one step further than in-service. I believe it needs to be required course work, 6 hours at least, special education for the general education departments of the State universities.

Senator **Randolph**. And I agree with you.

Mrs. **Crawford**. Many parents have been together. We have had a coalition representing parents of children of all handicapping conditions. We have gone to the State legislature to urge them and to get them to write legislation which would require this kind of situation. We have gone to the board of regents with our State universities and tried to get this to happen. We have not been able to accomplish this one objective. And I think that it is absolutely essential that we do so in some manner, be it from national, State, regional, what kind of level, in order to be certain that all handicapped children are served.

This country cannot afford to provide special education services 100 percent of the time for the handicapped children. Nor is it right for them to have been just in special education. In order to remedy the restrictive environment, we must have general education involved.

Senator **Randolph**. I mentioned October 10 as the date when we will discuss this problem with the deans of education. What you are saying will be very helpful and we will ask them to comment on your statement.

Mrs. **Crawford**. Thank you.

Senator **Randolph**. We will have questions for you in writing and you will submit, if you will, your responses to us as we bring the hearing record, the public record, to a close. You will be glad to do that, I know.

Mrs. **Crawford**. Indeed, I will.

Senator **Randolph**. Thank you.

Mrs. **Crawford**. Thank you.

[The prepared statement of Mrs. Crawford and responses to questions by Senator Stafford follow:]

## WRITTEN TESTIMONY FROM DOROTHY CRAWFORD ON PUBLIC LAW 94-142

TO: SENATE SUBCOMMITTEE ON THE HANDICAPPED
JENNINGS RANDOLPH, CHAIRMAN

FROM: DOROTHY CRAWFORD

WRITTEN TESTIMONY ON P. L. 94-142
FOR THE OVERSIGHT COMMITTEE HEARING

OCTOBER 1, 1979

It is my pleasure and privilege to give input and comments on P. L. 94-142, to the Senate Subcommittee on the Handicapped, as a parent of two children with Learning Disabilities.

I believe it is absolutely essential that, in part, the regulations of the Act be revised to more clearly delineate the intent of Congress. Particularly is this true in regard to ensuring identification and services for those individuals with learning disabilities, borderline mentally retarded and/or emotionally handicapped.

This testimony is made from a parent's perspective and will focus on three areas of the Act. The areas are: (1) what constitutes a free appropriate public education; (2) the meaning of "least restrictive environment"; and (3) the Individualized Education Program (I.E.P.). It has been my experience that my understanding of the Act has differed considerably in these three areas from the local school district's interpretation.

Taking each area one by one, the first is: What constitutes a free appropriate public education. Of course, the key word of the statement is - "appropriate." I have found that, first of all, the educational system wields a powerful stick in setting procedures for identifying, placing and planning special services. Few parents are able to "buck the establishment." Even today, many parents are terribly naive and uninformed about their rights, role, and responsibility in obtaining services for their child.

Consequently, some handicapped children, even some with moderate to severe handicaps, are never identified. While these cases seem to be the exception rather than usual, there are the shadow children who truly fall in the "cracks." These are the children whose handicaps are more subtle; they are neglected and flounder along as best they can. The mildly handicapped children are most often those with learning disabilities or borderline mentally retarded - children with tremendous potential. In my judgment, there is quite a loophole in the present regulations which lends an "out" to school administrators; the loophole being that mildly handicapped children are either not referred - at least by any school personnel - or else, if referred, are not found to be handicapped per the school psychologist's interpretation of the diagnostic evaluation. Some method needs to be established and implemented to delete this travesty of justice whereby some handicapped children are still being denied their rights. I am aware the law states that those most severely handicapped and/or not being served have priority for services. Still, all in all, by 1980, the mandate is that all handicapped children receive appropriate services. Another factor to be considered for the adolescent with mild learning disabilities is that by high school there is quite a discrepancy between tested potential and achievement. In spite of this kind of discrepancy, I know of LD adolescents who have either been phased out of special services, or who the school administrators have informed parents that their juvenile does not need (or qualify for) special education. I can name a goodly number of these students who dropped out of school completely or have turned up in the courts. Most of these adolescents are friends of my teen-age LD son.

My son has severe LD and was in Special Education all his school years. He graduated from high school this past year. His verbal I.Q. is 98 and performance I.Q. 136 - well within the range of average to above average. His public school program was in a resource center which was that of a cross-categorical nature. A resource program is hardly adequate, let alone appropriate, for a young man who, at the age of 16 years, 8 months, had an outside evaluation with the following results and recommendations:

Cognitive/Language

1. Jeff has consistently done better with cognitive tasks when language has not been an important factor for solution of problems. Difficulties with processing receptive language and of sequencing verbal expressive material were noticed in the testing done in Scottsdale District in both 1970 and 1973. These difficulties are still present, though there has been some improvement. At present Jeff has average cognitive skills for verbal tasks and above average cognitive ability for non-verbal tasks, especially those that require three dimensional problem solving when memory for sequence is not an important factor.

2. Receptive language, though improved, remains a problem in that if material presented is lengthy, too complicated linguistically, or too abstract, he loses important sequence and does not "hear" all of the words. He works best when verbal input is clear (not mumbled), in short sentences or segments of sentences, with abstractions presented visually when that is possible.

3. Expressive language has also improved, but he prefers to respond in as few words as possible. When his responses increase in length there is still evidence of distortion of syntax and sequence. Vocabulary is meager and defining of words extremely difficult.

Auditory

1. Though not retested with formal tests, diagnostic tasks and observation indicate that there are still auditory figure-ground problems. He does not work easily or well when there is too much background noise and is very sensitive to any background sounds: air conditioning, cars driving by, sirens in the distance, etc.

2. Auditory memory for words, with or without sequence being considered, has not changed appreciably since 1970 or 1973. As a results, Jeff is now approximately eleven years below what can be expected for his age in this skill.

Visual/Visual-Motor

1. The visual, visual-motor system remains the strongest learning channel. Copies accurately 1-3 letters at a time, can match with accuracy (Malcomesius, Detroit). Can work well with three dimensional problems (WAIS, Hiskey-Nebraska).

2. Visual memory in multiple choice format has improved (Malcomesius).

Auditory/Motor

1. Still some difficulty with the motor sequencing of speech sounds for long words and long sentences that continues, with other auditory problems, to interfere with expressive language, spelling, written language.

Integrative Systems

Jeff is presently functioning academically at the 5th grade level, or 7 years below age expectation, in all academic skills. Reading, writing and spelling all reflect weaknesses in the auditory system, language, and rule generalization. He knows few of the rules for spelling and has few word attack skills for reading. Silent reading is better than oral reading because he does not have to make the speech sounds in sequence (Auditory-motor).

Other Data:

Jeff processes most information with erratic speed--sometimes rapidly, sometimes slowly.

He has difficulty with organizing his responses and his thoughts into a reasonable order. It is helpful to teach him the process and method first, then ask for the answer.

As with most people who have sequencing problems, he also has difficulty with himself in relation to time.

In spite of his many problems with learning tasks, he worked very hard throughout testing and often with real courage. His insight into his strengths and weaknesses is healthy and realistic.

Conclusions and Recommendations:

1. Jeff requires a program of vocational training that will allow him to use his strong non-dominant hemisphere functioning. He is interested in art, film making, especially drawing animation for film. He has some talent for art and design and should have an opportunity to train and develop that talent.

2. Any learning situation where he must (a) take notes, (b) express himself clearly and succinctly with written language, (c) write lengthy material, (d) read and comprehend abstract concepts will continue to be extremely difficult, if not impossible.

3. Multiple choice testing is better than completion or essay-type.

4. The auditory memory system still require remedial treatment, as does receptive and expressive verbal language.

5. An integrated program, such as Spalding or Gillingham, should help appreciably with rule generalization and sound-symbol relationships.

6. All remedial training and tutorial assistance should be at Jeff's initiative at this time, though supported by careful and thoughtful counseling to help arrive at his decisions. It is often difficult for Jeff to organize his thoughts and express himself, cause and effect in the abstract often hold little meaning so the counseling aspect by school personnel and parents is essential.

7. All directions, schedules, class and academic expectations should be written down and presented to Jeff in visual form and then the procedures and organizations gone over with him. Jeff, for his part, must learn to ask for clarification when he requires it.

Yet the resource program was the appropriate program for my son according to the placement committee. Ultimately he spent his senior year in the Resource Center for his classes that covered his required subjects (namely, Economics and Government) and attended classes in Technical Theatre in the regular classroom setting. He graduated but is functionally illiterate and has no saleable skills so is virtually unemployable. Please note, we reside in a school district noted by the Arizona Department of Education as having exemplary Special Education programs.

Quite a number of LD adolescents should be placed in vocational training to give them an opportunity to develop saleable/survival skills. I have yet to be able to find any voc-ed program designed to serve the LD population. There are technical voc-ed programs for the normal student. In these programs the LD youths cannot compete as their academic skills are usually too limited. The regular voc-ed programs, I have found, are planned more for the trainable mentally retarded. Once again the LD youths are on the periphery of services.

The second dimension of this testimony is my understanding and the implication of the least restrictive environment. This area of the Act was looked upon by us, parents of the handicapped, as finally our children would attend school as first class citizens. Little did we realize that in many cases the least restrictive environment would become a means for LD children to receive token programs. The concept of least restrictive environment in theory is excellent. However, many LD children need programs that can only be obtained in a very structured approach with educators knowledgeable and competent in methodologies that best serve these youngsters. Unfortunately, few classroom teachers are qualified to remediate the learning disability. Add this situation to a 40-minute, 3-times-a-week remediation session in a resource program and one is programming failure for the LD population.

The fact of the matter is, when an LD child leaves the classroom for a 40-minute session in the resource room, 40 minutes later he returns to his classroom and has lost 40 minutes of academics. The same child usually must, after returning to class, pick up and continue his classroom work at whatever point the class is when he returns. Then, too, some local school districts justify mainstreaming or a limited resource program for the mild to moderate retarded and LD students on the basis of this part of the Act.

The point is, that least restrictive environment should have policies and procedures written so there is less opportunity to misinterpret the intent. Policy and procedures should be drawn so that the least restrictive environment truly is commensurate with the child's needs. Further, regular classroom teachers should be required to take 6 hours of Special Education methodologies in order to be certified to teach. For those classroom teachers presently teaching, re-certification should be required and 6 hours Special Education course work should be mandatory in order to be re-certified. Without this type of arrangement, I fear school districts will continue to struggle with budgets and will continue to be unable to provide appropriate services for all the handicapped. Meantime, our LD children will continue to be inadequately served.

The third and last area to examine in this statement is that of the Individualized Education Program (I.E.P.). Last year Love Publishing Company asked me to write an article on Parent Involvement in Instructional

Planning, (Volume 10, Number 7, December 1978), for their publication, Focus on Exceptional Children. I eagerly accepted the invitation as to me the I.E.P. should be the contract which mandates all parties to comply with P. L. 94-142. The following is an excerpt from the published article:

> "I.E.P. Development
>
> Following the diagnostic evaluation and decision as to special needs, the process of I.E.P. development commences. The parents' role here is best filled if they:
>
> --Attend meetings held to plan the child's I.E.P. Again, the parent is very much a member of the team. In order to give thorough input, they should be present not at just one, but all meetings.
>
> --Gather all documented information, including school records, pertinent to the child.
>
> --Bring an advocate to the conferences. An advocate can be more objective than either parent or the other professionals and often is helpful in keeping the meeting 'on track.' Many handicapping conditions are represented by parent oriented organizations with advocates prepared to give assistance.
>
> --Prepare a list of items the parent believes should be a part of the planned curriculum.
>
> --Ask professionals (outside the school agency) to be present at the meetings if they have information pertinent to the child or to assist in verifying parent requests for special types of services.
>
> --Feel free to discuss relevant information about the child. The child usually is dependent on the parent to be his/her greatest advocate. Test scores and assumptions of others regarding the child are not sufficient. That's a major reason parents are part of the team.
>
> --Be sure the program the child is to receive is built on services that relate directly to the need, not the handicapping condition. The intent of the law is to get away from the practice of developing programs and then finding children to fit the programs.

--Be sure the child is placed in an environment that is the least restrictive. Some handicapped children cannot be mainstreamed, at least initially, but an essential issue to becoming mature, productive adults is good peer groups relations, which can best be developed through some association with 'typical' children.

--Avoid hostile, aggressive attitudes. Differences with other members of the team should be presented in a rational, reasonable manner. The advocate can be of help in this regard.

Prior to the parent's consent to the I.E.P., the parent should thoroughly understand the program as written. The parent should be certain that specific, rather than general or abstract, goals are presented. All goals and objectives must be clear-cut, with nothing left to speculation. Parents must be sure that the goals set are theirs as well as the professionals'. Also, parents should be able to understand and track their child's progress and to evaluate and monitor the program; otherwise, its effectiveness cannot be ascertained.

In I.E.P. development, parents should consider program elements in addition to academic components. If parents think their child can benefit from an appropriate vocational education program, it should by all means be considered in I.E.P. development. Enrichment programs should be discussed thoroughly. Parents know their children's special talents, and should make recommendations for fine arts programs. Appropriate goals and objectives for the total child is the ultimate aim of the I.E.P.

A parent's signature on the written I.E.P. does not signal the end of parental involvement. Continued participation is in the form of regularly scheduled conferences with the child's teachers; at least one formal evaluation each year, with the I.E.P. updated accordingly; and continued communication with other team members.

The I.E.P. provides accountability for achieving specific goals within specific timelines. It provides closer communication and generates trust between school and home. It designs curricula with specific goals and objectives. Because the I.E.P. must be a written document, it eliminates misunderstanding and confusion concerning program plans. It provides the needed interdisciplinary team approach, rather than haphazard individual efforts. Essentially, the I.E.P. formalizes good standard teaching practices for the handicapped which, in years past, have been sadly missing.

The best way for the I.E.P. to meet the expectations of Congress and provide the optimum content and effectiveness is for every member of the team, as outlined in the Act, to be actively involved. If the parents should refuse or decline to participate, a primary element of the team approach is lacking.

In the Annual Report of the National Advisory Committee on the Handicapped (1977), a mother of a handicapped child outlined her proposal of the I.E.P.'s contents, as follows:

> The I.E.P. should include (1) a statement of my child's present development level in all areas relating to physical, emotional, and intellectual development; (2) a statement of my child's learning strengths; (3) a statement of any medical, environmental, or cultural consideration particular to my child; (4) a statement of my child's education needs and their relationship to the total sequence of developmental skills; (5) a statement of specific goals and timetables; (6) a statement of instructional alternatives; (7) a listing of appropriate educational materials relevant to my child's learning characteristics; (8) a clear delineation of the responsibilities of the entire planning team; (9) established time frames for daily programming, periodic review and evaluation; and (10) a description of program procedures.

Obviously, this proposed I.E.P. plan was written by a parent who thoroughly studied the Act, the intent of Congress, and who expended energy in researching other plans. This plan would be an ideal model for parents, as well as other members of the I.E.P. team.

Congress clearly intended that I.E.P.s should decidedly reflect the observations, opinions, and desires of the parent. In fact, at one time the Senate version of the bill included a requirement that I.E.P. planning conferences be held three times a year. Later, this requirement was altered to 'at least annually,' with the thinking that the frequency of conferences should be based on the individual I.E.P. planning group in accordance with each child's individual needs. This revision in the bill, of course, does not preclude more frequent meetings. Regular, frequent conferences and communication are particularly valuable in enabling parents to plan and provide supplementary educational and developmental assistance in the home. Hopefully, the minimum requirement of annual meetings will be the exception rather than the rule.

From the other team members' standpoint, parent involvement should consist of much more than eliciting parents' observations and suggestions.

The process should guarantee the parents an opportunity to evaluate and monitor their child's progress, and should provide assurance that the child's problem has been properly classified according to handicapping condition and need. Utilizing maximum parent participation enables the team to gain the best possible understanding of the child's needs and how best to meet them.

The National Advisory Committee on the Handicapped (1977) supports the following propositions:

1. That the Individualized Education Program is an invaluable education tool which should be fully and unreservedly used by every school in the nation with every handicapped child;
2. That the I.E.P. should be seen as concerning the whole child, in all aspects of his or her life -- outside of school as well as in it, and bearing on physical and emotional as well as intellectual needs;
3. That the preparation of each I.E.P. should be an interdisciplinary effort with appropriate participation by every member of the staff who can make a substantial contribution.
4. That every effort should be made to involve parents both in the development of I.E.P.s and in their implementation; and
5. That school officials should demonstrate their understanding of the importance of I.E.P.s by establishing priorities, special in-service training programs, teacher schedules, and resource allocation procedures that recognize the needs involved and assure optimum results.

In a U. S. Senate debate, Senator Williams (New Jersey) made some particularly apt comments regarding the I.E.P. and parent involvement. These remarks were, in part:

> . . . I think that one of the greatest benefits that can come to the handicapped child is to have the parents brought into this conference, because the education of the child continues after the school doors close and that child is at home. This is part of the educational process. That is one of the reasons why we have developed the idea of the mandatory conference, to make sure that the parent is part of the education of the child . . . (Williams, 1975).

If we believe that our children are the future, we must do all we can to further their well being and development. For parents, that includes active representation and involvement, following any avenues that will lead to betterment of their children's lives."

Now, really, how many parents are able to even do a portion of any of the tasks as outlined? The average parents of a young handicapped child are usually totally unsophisticated with the educational establishment and very unfamiliar with the "educationese" (to coin a term) language used so readily by the professionals - indeed, the average parents' first encounter with the information their very bright, precocious child has learning disabilities, as a rule, have difficulty accepting and coping with the situation. They (parents) with the young school age child have a catharsis period to go through before they are very constructive in their bid to help their child.

I do not challenge the need for parental involvement from A - Z in developing and maintaining their child's special education program. However, I know few parents are able to become a real part of the "team" who plan, implement and conduct the handicapped child's program, although it is most vital that the parents participate.

In sum, it seems that there is a light at the end of the tunnel. P. L. 94-142 is a vehicle which commands that the handicapped be served. In no way should this testimony be considered an indictment of this country's educational system. Rather, it is a critique of the Act with a summation of needs from my viewpoint. My recommendation is BEH/OE devise more efficient and effective methods for monitoring and evaluating special education programs throughout this country. Monitoring teams should have as members concerned citizens for the handicapped. Certainly, parents should be involved as members. There should be objective members of the team without any conflict of interest. In other words, the team should be drawn from the community. Guidelines, policies and procedures should come from the U. S. Office of Education. Each state's Department of Education could be involved for the sake of training. Staff within states' Departments of Education Divisions of Special Education are fairly dedicated individuals; yet they still are part and parcel of the educational profession. To put it bluntly, for state Departments of Education personnel to be responsible to monitor and evaluate local school districts is rather like the fox guarding the hen house. Therefore, it would seem more prudent to use private non-profit agencies or coalitions for the task of monitoring. Hopefully, this plan would ensure that all children regardless of handicapping conditions receive a free appropriate education, in the least restrictive environment, with an I.E.P. designed to meet each individual's unique needs.

It would seem to be too late for P. L. 94-142 to be but little value for my son as a young adult. Nevertheless, the Act is a monument dedicated to enrich and enhance the lives of the millions of handicapped. It also gives recognition and demands acceptance for all the handicapped regardless of their age. In closing, as a parent, I would like to gratefully acknowledge the efforts of this Oversight Committee for your astute foresight, compassion and concern for the welfare of handicapped children.

Thank you.

9841 North 76th Place
Scottsdale, Arizona 85260
October 15, 1979

Senator Robert T. Stafford
5219 Dirksen Senate Office Building
Washington, D. C. 20510

Attention: Sue Walbridge

Dear Senator Stafford:

This letter is in response to the written questions you directed to me following the Oversight Hearings on P.L. 94-142.

Taking each question as presented:

1. Mrs. Crawford, could you give us some ideas how to identify with a surety those children with specific learning disabilities and other hidden handicaps?

Answer: I wish there was a method of identifying handicapped children with a surety. In my opinion the identification of children with subtle-type handicaps is left to the interpretation of tests by the diagnostician. Therefore, the expertise or lack of expertise of the diagnostician is critical to the issue. It seems to me that identification of all handicapped children and the methods used in doing so should be a focus for the monitoring and evaluation teams.

2. You state that many parents of handicapped children are uninformed. What do you feel is the best way to ensure that the general public is informed and aware of the rights and services to handicapped children?

Answer: We need to make use of the many volunteer parent oriented organizations representing handicapped and non-handicapped children to educate parents and the general public as to roles and responsibilities. These organizations are a tremendous resource and their constituency are children!

3. Would your son have been able to participate in a Vocational-education program with perhaps a teacher aide or another instructor and with

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peer tutoring within a regular voc-ed program?

Answer: My son could have participated in any regular Voc-ed program given the program using resources to which were applicable to his strengths and deficits. In other words, at the present time, Voc-ed programs are pre-designed - then the students are expected to learn the skills as pre-planned without forethought to their special learning styles. Programs must be designed to be functional - so if the student cannot learn by visual means, then other sensory systems are utilized. Also, vocational skills in areas other than menial job areas need to be included for the handicapped with materials to ensure success. Teacher aides and peer instructors could be very effective given the proper training and tools.

4. What specific problems do you see in your local school district with the implementation process?

Answer: The most specific problem with the implementation process in my local school district is lack of local and state funds for excess special education costs. The consequences of limited monies are (a) failure to identify some of the less severely handicapped children; (b) parents agreeing to less than appropriate programs for their children; (c) cross-categorical resource and self-contained classrooms with staff [illegible] do not have the expertise to deal with the various handicapping conditions represented; (d) little follow-through as the students move from environment to environment; (e) and an excessive pupil-teacher ratio.

5. Are there problems caused at the Federal, State or local level?

Answer: Yes

6. Would you give us an example of how a private non-profit agency would go about monitoring the implementation of 94-142?

Answer: An example would be to form coalitions of parent oriented organizations with one of the organizations to serve as the catalyst. Enclosed is a copy of a proposed program on advocacy training that details the concept which could be used to attack the task of monitoring the implementation of 94-142.

Once again thank you for your expressed interest in the welfare of handicapped children.

Regards,

Dorothy Crawford

Dorothy Crawford

DOROTHY CRAWFORD - QUESTIONS

QUESTION 1. What efforts have been made in your district to provide inservice training to regular education teachers of handicapped children?

ANSWER: There has been a great deal of effort on the part of the Scottsdale, Arizona, School District to provide inservice training to regular education teachers of handicapped children. However, the inservice cannot be mandatory as Special Education is a separate line item in the district's budget. Consequently, we find mostly some primary grade teachers attend the inservice. The teachers of the upper grades of elementary school age children and secondary education instructors, by and large, do not attend these training sessions. This, of course, is extremely unfortunate as many LD children receiving special services in the primary grades are completely mainstreamed by the 5th or 6th grade. It is my belief that the only way we can be assured that the regular classroom teacher (RCT) can appropriately serve the mainstreamed handicapped children is by requiring that a minimum of 6 hours of coursework be mandatory before General Education University students can be certified. Additionally, all RCT now teaching be required to be re-certified with the stipulation that 6 hours Special Education coursework in recognition of handicapping conditions and methodologies be the criteria for re-certification.

In my opinion, this particular issue is critical in terms of serving all handicapped children. If it is not resolved in a proper fashion, we cannot expect those handicapped children with subtle handicaps to be appropriately served. The children with Learning Disabilities, borderline Mentally Retarded, and mildly Emotionally Disturbed will be delegated to become, at best, second-class citizens, and their potential never attained. Far too many of those under-served or not identified children, as adults, will be found caught up in the criminal justice system or on the welfare rolls.

Since it is virtually impossible to get state legislatures or university boards of regents to take action on this problem, I appeal to your Committee to do so.

QUESTION 2. Has your son received any assistance or training from the Arizona Division of Vocational Rehabilitation? To your knowledge, does your school district work with Vocational Rehabilitation to smooth the transition to the work world for graduating handicapped students?

ANSWER: This question is most pertinent in terms of recent attempts to get assistance from the Arizona Division of Vocational Rehabilitation for my son - in fact, not only for my son but others like him. In response to your question, let me answer by setting forth a sequence of activities initiated by my son, Jeff, and myself. Please keep in mind that Jeff is almost 20 years of age and considered an adult; therefore, there are times when, as his mother, I am requested not to participate in meetings! For your information re this statement, Jeff has an average IQ and so, in spite of inadequate verbal skills, he is expected to speak on his own behalf.

The sequence: When my son graduated from high school - last year - his I.E.P. called for him to continue in an educational program at the local community college. This program was to be individualized to fit his unique needs. All well and good, except that there were some very important factors never taken into account despite the fact that it was known that Jeff (my son) was functionally illiterate so the community college program would not be able to serve him. Nevertheless, we tried the community college, saw the counselor for the handicapped and planned an academic/voc. ed. program. Academics were required as pre-requisite to be classified as a full-time student. (It was necessary for Jeff to be classified as a full-time student in order to receive Social Security benefits from his late father's estate. According to the Social Security Department, Jeff did not qualify for Supplemental Social Security Benefits because of his average IQ - are you beginning to get a feel for Jeff's and my frustration?)

Jeff attended classes at the local community college for one month. His schedule was a disaster as he had overlapping classes. Finally, after three weeks, the counselor for the handicapped took action - this was after repeated requests on my part. Regretfully, the action came too late. Jeff had reached the end of his tolerance. Particularly after his English Review (a required course for someone scoring low in English on the ACT) instructor told Jeff that he would never be able to catch up on the coursework. Jeff left the campus never to return.

We next tried Voc. Rehab. The plan was to get an evaluation on Jeff's vocational abilities and capabilities to be followed with a plan of action. After a one month wait between contact with Voc. Rehab. and the appointment, Jeff went for his appointment with an Intake Counselor. I had been requested not to attend - so I didn't, but with misgivings. The outcome of the meeting was, Jeff saw a Secretary, handed her his diagnostic evaluation, and was told he did not qualify for services as he was not retarded. He left - never to return; as far as he was concerned, he was devastated.

I was so outraged by this latest event in Jeff's life that I called my good friend, Senator Dennis DeConcini. Now, reason would say that I should have gone to someone at the state level. Well, I had had it at the local, county and state levels. Dennis was able to locate some contacts in Voc. Rehab. for me; a contact person who was knowledgeable in various handicapping conditions, particularly LD. Finally, we seem to be now on the threshold of services for Jeff to train him in an area which will enable him to become a productive adult.

The truth is that there is little facililatating of services between high school and the work world for those with LD. True, there are some paper programs but none in actuality.

For all [illegible] handicapped youth that stand on the outer fringe of society resulting from lack of proper programs, I have only the greatest of admiration and respect for their continuing courage. If I were my son, long ago I would have called "quits."

The loss to society of these youth is tremendous. There must be some very stern measures taken to rectify this situation.

QUESTION 3. At what age was your son identified as learning disabled? At the time of this identification, what services were available to him and in what setting (regular classroom or "special education classroom")?

ANSWER: My son was identified as LD at the age of almost 11 years. Prior to this time, he had been identified as Autistic at the age of 2 1/2 years, and Mentally Retarded at the age of 5 years. So, in terms of the year, he was identified in 1970 as LD.

From 1970 until 1978, my son received the following services:

1. 1970-72 - 30 minutes each school day with a remedial reading teacher. LD was not recognized in Arizona at this time as a handicapping condition. The remainder of his day was in a regular classroom setting with a fairly compassionate teacher. In addition, my husband and I had a private tutor to help him with learning basic concepts in reading and math.

2. 1972-73 - Jeff was placed in a self-contained classroom for problem children (not children with problems). The thinking was that although he very definitely did not have any external behavior problems, he needed a setting with a smaller pupil/teacher ratio than extended to him in the regular classroom setting. I can assure you this school year was a wasted one for Jeff. Yet, at the time, the plan seemed best available and as his parents, we were in accord with the school's administrator.

3. 1973-74 - Jeff received remediation for his learning disabilities in a resource program. This was a good year for him. He was given intensive speech therapy and had a specially designed plan for his problems. I would venture to say he achieved more in this year than any other year of public school. The resource center had an LD Specialist that had a great deal of expertise in her field.

By this time, Arizona had recognized, established a state statute, and funded programs for LD as a handicapping condition.

4. 1974-75 - Upon the recommendation by the District's Special Education Department, Jeff was skipped from the 7th grade to the 9th grade. The reason for this was because the elementary district did not have a resource program for 8th grade LD students, whereas, at the High School level there was a cross-categorical resource program available. Jeff desperately needed as much time as possible in Special Education, therefore, why not move him up to High School. The agreement to this decision was probably the worst one we, as his parents, ever made. We programmed him to failure spelled with capital letters, even though in theory the plan was excellent.

   At school Jeff was subjected to repeated verbal abuse on the part of his P.E. and Math instructors. He suffered humiliation on a day after day basis. On a very belated date I learned of what actually was happening at school. Never, ever, did Jeff tell of the daily insults projected to him. It must be understood that the intent of Jeff's instructors was to help him; they simply did not understand why this supposedly intelligent young man did not respond appropriately and felt it was because he was lazy and did not care (he is very passive and shy).

   We placed Jeff in a private school catering to the LD in order to help him in school. Jeff had difficulty understanding why he was not able to go to the same high school as his brother and why at the high school the teachers apparently did not accept him. The private school tuition was paid by the school district. The private school's program was designed to provide a means of learning by experience. The design was great! The drawback was there was quite a problem with drug abuse in the student population. We did not learn of this problem until a year later.

5. 1975-76 - Jeff continued at the private school. Seemingly, he matured and gained in self-esteem. He learned to challenge statements that he did not agree with and make some decisions on his own.

6. 1976-77 - Jeff returned to his public school as a junior. He spent 1/2 of his day in the resource center receiving tutorial assistance. The other 1/2 school day was in a regular classroom setting which was constantly monitored by the LD Coordinator of the resource center.

By this time, we were a "day late and a dollar short." Jeff still wanted very much to graduate from high school, but more as a means to get out of an intolerable situation. He attended classes in the physical spirit only. Nevertheless, he was there.

7. 1977-78 - This was Jeff's senior year. The LD Coordinator went far beyond the normal expectations of her responsibility. It was only through her efforts that Jeff managed to complete the year. Far too much of the Coordinator's time and efforts were spent on one individual - in the opinion of all except Jeff and his parents. This year, a voc-ed program was planned for Jeff. The plan failed. The voc-ed program available was designed for the Trainable Mentally Retarded with little flexibility. The voc-ed program was at another high school facility in the school district. The core of the problem was there was not a facilitator (nor is there today) to follow through with students moving from program to program and allowing for assurance that the I.E.P. was followed. Consequently, for the students (such as Jeff) who were (1) bussed from one high school to another for a voc-ec. program; (2) then back to their home high school for their special education program and regular education classroom program; and (3) finally out on a work experience program, the objectives of the I.E.P. were a "lost cause."

Today I feel that Jeff, as an LD person and almost 20 years of age, is one from a lost generation of youth. I most earnestly urge your good services to remediate this situation. It would seem that through careful implementation, conduct and monitoring of P.L. 94-142, this could be an actuality rather than a fantasy.

Senator RANDOLPH. We have a panel of three.

Mrs. Kathy Knowlan, you are also from the west coast.

Mrs. KNOWLAN. Yes.

Senator RANDOLPH. We have had a previous witness, a parent, from Seattle.

If you will proceed.

Mrs. KNOWLAN. Senator Jennings Randolph, I am Kathy Knowlan from Seattle, Wash.

I represent the interests of many in the State of Washington who are concerned with the educational rights of preschool children from the time that they are born until they become eligible for a tax supported education. My presence here and the opportunity to address you was made possible by the State of Washington Developmental Disabilities Planning Council who are sponsoring a statewide preschool task force whose members are actively pursuing educational opportunities for all handicapped children.

I am the mother of a 4-year-old boy, who attends the model preschool at the University of Washington. My interests began with the diagnosis of retardation when he was 2 years of age.

Over the past decade, research and practice in early childhood education for the handcapped has shown that intervention can lessen the effects or in some cases, even prevent a handicapping condition. Furthermore, when intervention is begun as early as possible, handicapped children can develop to their full potential, the family unit becomes more stable and an important fact for many of us, intervention is cost effective for society.

In spite of this evidence, hundreds of handicapped children are not receiving early childhood education until the age of 6, thus missing the crucial years when intervention could be the most effective. Although early education is defined as beginning at birth by the regulations which implement Public Law 94-230, Public Law 94-142 which assures educational and related services to handicapped children is interpreted as applying to those children ages 6-21. Clearly there is a gap between the definition of early intervention and the beginning of service delivery. To solve the problem this presents, the provisions of Public Law 94-142 need to address handicapped children ages birth through 5 years.

Why intervent early?

Within the past few years, research studies which examine the long-term effects of early intervention programs have begun to show that handicapped children with preschool experiences do better than children who needed such services but did not receive them by age 5 or 6 McDaniels, 1977.

For example, preliminary findings of a followup study of graduates of the model preschool center for handicapped children at the University of Washington indicate that children who received early intervention are placed in special education programs less often than those children who did not receive early training. The model preschool students maintained the cognitive development gains they made in preschool, and even those placed in special education scored as high on intelligence tests as a great number of the children in regular education. Children placed in regular classes did not repeat grades, but kept up with their normal classmates, Hayden, Morris, & Bailey, 1977.

Similar findings were reported by Dr. Irving Lazar, 1977 in a long-term followup study of low-income children from 14 different infant and preschool experiments. Results indicated that gains made by handicapped children in preschool programs are long lasting, that fewer children who had preschool experiences were placed in special classes or returned to special classes, and that fewer children had to repeat grades.

It is becoming increasingly apparent that successful programing for children is dependent upon time. The earlier the handicap is identified, the more successful the intervention. This argument is based on both theory and evidence. First, complex human behavior develops through a continual interaction of internal growth and life experiences. That there are specific delays in development of handicapped children are well documented. With skilled intervention and environmental stimulation these can be remedied or even prevented. Since 6.8 percent of the handicapped population can be identified at or near birth, Beck, 1976, and since the basis for many complex cognitive and social skills appear to develop during the first 3 years of life, White, 1975, the need to intervene as close to birth as possible is clearly evident.

A number of studies demonstrate the effectiveness of early intervention with handicapped children. One frequently cited research effort was conducted by Heber and Garber 1975. The goal of this study was to help families. The children were studied from 3 months of age to 6 years. The program aimed to prepare mothers for employment opportunities and to improve their homemaking as well as child-rearing skills. The children were provided with an extremely intensive intervention program. The study essentially demonstrated that children who participated made significant gains in language development and IQ.

Much work has also been conducted with infants younger than those in the Heber study, the majority being with premature infants possibly because they are easy to identify and have well-documented delays, Ross & Leavitt, 1976. In a study by Williams and Scarr, 1971, various methods of home intervention including no imposed intervention, were compared with premature children in three age groups: One 1-2 years; Two 2-3 years, three 3-4 years. From the results of this study it was concluded that only children who received a combined approach of materials and home training showed significant gains. Children whose families were either given materials only or had no form of intervention did not improve significantly.

Barnard 1973 reported weight gains and longer periods of quiet sleep after placing newborn infants in a bed that rocked and provided a heartbeat recording for 15 minutes out of every hour. Although intervention techniques vary widely in studies, it is apparent that babies prosper from stimulation.

The greatest obstacles to convincing people of the need for early intervention are myths which have grown up around who should be educated, who can profit from education and when education should begin. These include statements such as:

"School age begins at five years of age."

"Infants will outgrow developmental delays."

"Learning and awareness are not present in babies."

However, recent research makes it impossible to maintain these erroneous beliefs. For example, there is evidence that there may be critical times for the development of skills, and that most of these times do occur during the first 3 years of life. Also, failure to provide a stimulating early environment leads not only to a stagnation in the babies' development, but to actual atrophy of sensory abilities and to developmental regression. Failure to remediate one handicap may multiply its effects in other developmental areas, and may produce other handicaps, Hayden & McGinnis, 1977.

Other myths that prevent all of us from providing these opportunities for our children to grow include the following:

"It's too expensive to provide education for handicapped children."

"Handicapped people are less productive than normal people."

The results of a Ypsilanti preschool project showed that preschool programing is an educationally effective experience for disadvantaged children and a cost-effective procedure for society, Schweinhart & Weikart. The suggestions from the Ypsilanti project are that children experiencing the intervention are better able to manage later school experiences as measured by their ability to proceed through school at regular grade placement and avoid special education or failure to be promoted to higher grades. This produced actual financial savings to the State.

Undoubtedly, you all know we have Public Law 91-230 which defines early intervention. It says, and I quote:

> Preschool and early education refers to a period from birth to the time a child would normally complete third grade. The term includes the prenatal period where there is evidence that a handicapped child will be born.

But we do not have any legislation assuring early education for handicapped children at birth. Quoting from Public Law 94-142:

> A free appropriate public education will be available for all handicapped children between the ages of three and eighteen within the State not later than September 1, 1978, and for all handicapped children between the ages of three and twenty-one within the State not later than September 1, 1980, except that, with respect to handicapped children aged three to five and eighteen to twenty-one, inclusive, the requirements of this clause shall not be applied in any State if the application of such requirements would be inconsistent with State law or practice, or the order of any court, respecting public education within such age groups in the State; (20 U.S.C. 1412, Sec. 612b).

Thus, individual States differ greatly in the scope and quality of educational programs offered for young handicapped children. Simply stated, the Federal law cannot require a State to serve preschool children if serving them is inconsistent with the State law. Although a few States such as Washington are attempting to change State legislation to insure educational rights to handicapped children age birth through five, this is an isolated effort.

Solutions:

Federal legislation has established the rights of handicapped children ages 3-21 to educational intervention—if it is not inconsistent with their State law. It is now time to amend our education for all law—Public Law 94-142—to guarantee these rights to handicapped children at birth. This amendment must require the States to serve the birth-to-5 population unless the State law clearly prohibits it. In addition funding for early intervention must be strengthened so that States will be motivated to develop these educational services.

Senator **Randolph**. Thank you very much, Mrs. Knowlan.

We are going to increasingly be considering this birth to age 5, and there are those that believe that it is important.

As you have indicated, the experience with the law itself perhaps now gives us the opportunity for an amendment of this type. We hope, of course, that the States themselves might be implementing such effort and, yet, that has moved very slowly. In your State you indicated that you are working on it.

Is that correct?

Mrs. **Knowlan**. That is correct.

Senator **Randolph**. Is there legislation or has there been?

Mrs. **Knowlan**. There was legislation in the State senate that was defeated in the last session.

Senator **Randolph**. There was a rollcall on it?

Mrs. **Knowlan**. However, it was guaranteeing at 3 years old, not at birth. We are presently committed to assuring of education for all handicapped children from birth.

Senator **Randolph**. Well, even in what took place in your State, there was an improvement, was there not?

Mrs. **Knowlan**. What we have now——

Senator **Randolph**. Down to 3.

Mrs. **Knowlan**. Down to 3, providing you are living in a city like Seattle where there is appropriate program for the child. If you are not, you either have to travel at great expense every day to take a child to a program, provided your school district does see it as their duty to provide it.

Senator **Randolph**. Well, other than the major cities, the rural sections would not have the programs.

Mrs. **Knowlan**. Not adequately.

Senator **Randolph**. Well, I think this poses a problem that we will have to work on in the coming months, and we are grateful that you have discussed it.

We shall have written questions for you, Mrs. Knowlan, if you will respond in writing.

Mrs. **Knowlan**. I have further information that may answer some of those questions and give more support.

Senator **Randolph**. We will include those materials in the record. All of our hearing material, including testimony here, and questions and answers that will be handled by mail also will appear in the printed record so we can make all that takes place available to those individuals, institutions, and the public. We check on programs to see how they are working and how we might improve them. All of this is part of the learning process, is it not?

Mrs. **Knowlan**. Yes, it is.

Senator **Randolph**. I am sure you recognize that. To you, Mrs. Crawford, again our thanks.

Thank you.

[The prepared statement and additional material supplied by Mrs. Knowlan follows:]

# TESTIMONY TO THE UNITED STATES SENATE

## ON THE SUBJECT OF EDUCATIONAL RIGHTS AND OPPORTUNITIES FOR PRESCHOOL-AGED HANDICAPPED CHILDREN

October 1, 1979

I am Kathy Knowlan from Seattle, Washington. I represent the interests of many in the state of Washington who are concerned with the educational rights of preschool-age children from the time that they are born until they become eligible for a tax supported education. My presence here and the opportunity to address you was made possible by the State of Washington Developmental Disabilities Planning Council who are sponsoring a statewide preschool task force whose members are actively pursuing educational opportunities for all handicapped children.

I am the mother of 4-year-old boy, who attends the Model Preschool at the University of Washington. My interests began with the diagnosis of retardation when he was two years of age.

Over the past decade, research and practice in early childhood education for the handicapped has shown that intervention can lessen the effects or in some cases, even prevent a handicapping condition. Furthermore, when intervention is begun as early as possible, handicapped children can develop to their full potential, the family unit becomes more stable and an important fact for many of us, intervention is cost effective for society.

In spite of this evidence, hundreds of handicapped children are not receiving early childhood education until the age of six, thus missing the crucial years when intervention could be the most effective. Although early education is defined as beginning at birth by the regulations which implement P.L. 94-230, Public Law 94-142 which assures educational and related services to handicapped children is interpreted as applying to those children ages 6-21. Clearly there is a gap between the definition of early intervention and the beginning of service delivery. To solve the problem this presents, the provisions of P.L. 94-142 need to address handicapped children ages birth through five years.

## Why Intervene Early?

Within the past few years, research studies which examine the long-term effects of early intervention programs have begun to show that handicapped children with preschool experiences do better than children who needed such services but did not receive them by age five or six (McDaniels, 1977).

For example, preliminary findings of a follow-up study of graduates of the Model Preschool Center for Handicapped Children at the University of Washington indicate that children who received early intervention are placed in special education programs less often than those children who did not receive early training. The Model Preschool students maintained the cognitive development gains they made in preschool, and even those placed in special education scored as high on intelligence tests as a great number of the children in regular education. Children placed in regular classes did not repeat grades, but kept up with their normal classmates (Hayden, Morris, & Bailey, 1977).

Similar findings were reported by Dr. Irving Lazar (1977) in a long-term follow-up study of low income children from 14 different infant and preschool experiments. Results indicated that gains made by handicapped children in preschool programs are long lasting, that fewer children who had preschool experiences were placed in special classes or returned to special classes, and that fewer children had to repeat grades.

It is becoming increasingly apparent that successful programing for children is dependent upon time. The earlier the handicap is identified, the more successful the intervention. This argument is based on both theory and evidence. First, complex human behavior develops through a continual interaction of internal growth and life experiences. That there are specific delays in development of handicapped children are well documented. With skilled intervention and environmental stimulation these can be remedied or even prevented. Since 6.8 percent of the handicapped population can be identified at or near, birth (Beck, 1976), and since the basis for many complex cognitive and social skills appear to develop during the first three years of life (White, 1975), the need to intervene as close to birth as possible is clearly evident.

A number of studies demonstrate the effectiveness of early intervention with handicapped children. One frequently cited research effort was conducted by Heber and Garber (1975). The goal of this study was to help families. The children were studied from 3 months of age to 6 years. The program aimed to prepare mothers for employment opportunities and to improve their homemaking as well as child-rearing skills. The children were provided with an extremely intensive intervention program. The study essentially demonstrated that children who participated made significant gains in language development and IQ.

Much work has also been conducted with infants younger than those in the Heber study, the majority being with premature infants possibly because they are easy to identify and have well-documented delays (Ross & Leavitt, 1976). In a study by Williams and Scarr (1971), various methods of home intervention (including no imposed intervention) were compared with premature children in three age groups: (1) one-two years, (2) two-three years, (3) three-four years. From the results of this study it was concluded that only children who received a combined approach of materials and home training showed significant gains. Children whose families were either given materials only or had no form of intervention did not improve significantly.

Barnard (1973) reported weight gains and longer periods of quiet sleep after placing newborn infants in a bed that rocked and provided a heart beat recording for 15 minutes out of every hour. Although intervention techniques vary widely in studies, it is apparent that babies prosper from stimulation.

The greatest obstacles to convincing people of the need for early intervention are myths which have grown up around who should be educated, who can profit from education and when education should begin. These include statements such as:

"School age begins at five years of age."
"Infants will outgrow developmental delays."
"Learning and awareness are not present in babies."

However, recent research makes it impossible to maintain these erroneous beliefs. For example, there is evidence that there may be critical times for the development of skills, and that most of these times do occur during the first three years of life. Also failure to provide a stimulating early environment leads not only to a stagnation in the babies development, but to actual atrophy of sensory abilities and to developmental regression. Failure to remediate one handicap may multiply its effects in other developmental areas, and may produce other handicaps (Hayden & McGinnis, 1977).

Other myths that prevent all of us from providing these opportunities for our children to grow include the following.

"It's too expensive to provide education for handicapped children."

"Handicapped people are less productive than normal people."

The results of a Ypsilanti Preschool Project showed that preschool programing is an educationally effective experience for disadvantaged children and a cost-effective procedure for society (Schweinhart & Weikart). The suggestions from the Ypsilanti project are that children experiencing the intervention are better able to manage later school experiences as measured by their ability to proceed through school at regular grade placement and avoid special education or failure to be promoted to higher grades. This produced actual financial savings to the state.

Undoubtedly, you all know we have Public Law 91-230 which defines early intervention. It says, and I quote:

> "Preschool and early education refers to a period from birth to the time a child would normally complete third grade. The term includes the prenatal period where there is evidence that a handicapped child will be born" (45-CFR 121d.15 [a]).

But we do not have any legislation assuring early education for handicapped children at birth. Quoting from P.L. 94-142:

> "A free appropriate public education will be available for all handicapped children between the ages of three and eighteen within the State not later than September 1, 1978, and for all handicapped children between the ages of three and twenty-one within the State not later than September 1, 1980, except that, with respect to handicapped children aged three to five and eighteen to twenty-one, inclusive, the requirements of this clause shall not be applied in any State if the application of such requirements would be inconsistent with State law or practice, or the order of any court, respecting public education within such age groups in the State;" (20 USC 1412, Sec. 612, [b]).

Thus, individual states differ greatly in the scope and quality of educational programs offered for young handicapped children. Simply stated, the federal law cannot require a state to serve preschool children if serving them is inconsistent with the state law. Although a few states such as Washington are attempting to change state legislation to ensure educational rights to handicapped children age birth through five, this is an isolated effort.

## Solutions

Federal legislation has established the rights of handicapped children ages 3-21 to educational intervention--if is not inconsistent with their state law. It is now time to amend our education for all law P.L. 94-142 to guarantee these rights to handicapped children at birth. This amendment must require the states to serve the birth to five population unless the state law clearly prohibits it. In addition, funding for early intervention must be strengthened so that states will be motivated to develop these educational services.

This paper was presented by Kathy Knowlan, 323 N. 103rd, Seattle, Washington 98133. It is sponsored by the Preschool Task Force of the State of Washington Developmental Disabilities Planning Council; Chairperson, Janet Taggart. This is a Task Force of the Education Committee of the State Developmental Disabilities Planning Council; Chairperson, Dr. Norris Haring.

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# A REPORT ON THE NEED AND FISCAL IMPACT OF MANDATING PRESCHOOL PROGRAMS FOR HANDICAPPED CHILDREN AGE THREE AND FOUR IN WASHINGTON STATE

WASHINGTON STATE
**DEVELOPMENTAL**
**DISABILITIES**
**PLANNING**
**COUNCIL**

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# A Report on the Need and Fiscal Impact of Mandating Preschool Programs for Handicapped Children age Three and Four in Washington State

February 1979

## Rationale

Two trends justify the provision of comprehensive early childhood intervention programs:

1. National and state litigation has given us a Bill of Rights for handicapped children.
    - a. Public Law 94-142 encourages and may require states to provide educational programs for all handicapped children from age three.
    - b. Washington State's "Education for All" act of 1971, which gave the Federal law its name, also authorizes school districts to provide educational programs for all handicapped children from birth.
2. Long-term research has proven that early intervention can work toward prevention of later, more serious problems which are more expensive to the public.
    - a. There is much evidence to support the effectiveness of early intervention. Many educational researchers (Hunt, 1961; Kirk, 1965; Skeels, 1966; Caldwell, 1962; and Dennenberg, 1964) have demonstrated the long-term positive effects of enriched and stimulating environments in the lives of young children.
    - b. It has been demonstrated that young children with a wide range of handicapping conditions who received early and continuous intervention, perform better in school than children who received no early intervention. (Hayden and Haring, 1976; and Hayden, Morris and Bailey, 1977).
    - c. Those children who experienced early education have continued to maintain their developmental gains. In another longitudinal study, (Schweinhart and Weikart, 1977) those children who had graduated from the Yipsilanti Perry Preschool Project consistently made higher achievement test scores than a control group of children with no preschool experience. Additionally, while 38 percent of children without preschool had received special education placement by grade four, only 17 percent of children with preschool experience were so placed.

The justifications are strong for early intervention and it is the intent of our laws to provide for it. Yet most handicapped children ages 0 to five in Washington State do not receive needed education or therapy services. The reason is due to a lack of clarity in both the Federal Law (P.L. 94-142) and in Washington State Law (RCW 28A.13). Although programs are authorized and intended, the provisions of the program are not clearly mandated (see Appendix A for a detailed explanation).

Therefore, we urge support of S. B. 3161 which will mandate preschool education for three and four year olds by September 1979 and mandate preschool education for birth through two by 1981. Passage of this bill will allow Washington to keep pace with other states providing equal opportunity for all their children. (see Appendix B)

The following needs assessment and fiscal impact analysis addresses the provisions of programs for handicapped children ages three through four. An additional assessment for providing programs to handicapped children from birth through age two is being prepared and will be available from the Council March 15, 1979.

## Estimated Number of Preschool Handicapped Students Aged 3 and 4 in Washington State

1979

| | |
|---|---|
| Estimated number of children aged 0-4. | 274,000* |
| Estimated number of children aged 3 and 4. | 103,193 |
| Multiplied by percentage of school age population included in special education program FY 1977-78 in Washington State. | .054 (5.4%) |
| Number of 3 and 4 year olds potentially eligible for services: | 5,572 |
| Actual number of 3 and 4 year olds enrolled in public school programs FY 77-78. | - 540**<br>5,032 |
| Actual number of 3 and 4 year old handicapped students enrolled in Head Start Centers FY 77-78. | - 582<br>4,450 |
| Children aged 3 and 4 potentially eligible for public school special education programs. | 4,450 |

*Figures from Office of Fiscal Management, based on 1979 census. It has been adjusted for age specific mortality and fertility rates.

**Estimate based on assumption that total preschool handicapped enrollment for 3-5 (900) contains 360 five year olds. This represents 40% of the total preschool handicap enrollment aged 3-5. (effective September 1, 1978 common school age was lowered from six to five.)

This number will be affected by the difficulty in identifying young handicapped children with the current eligibility criteria for each of the handicapping conditions contained in chapter 392-171 WAC. In particular, that number will be reduced by the lower incidence of learning/language disabled children identifiable at age 3 and 4. For 1978, the percentage of handicapped children aged 3-5 identified as learning/language disabled was 7%. Within the common school age group (6-17) the percentage of handicapped students enrolled in special education found to be learning/language disabled was approximately 40%. If we decrease the estimated number of eligible 3 and 4 year olds by 33%: 4,450

```
  4,450
 -1,468 (33% of 4,450)
  2,982
```

| | |
|---|---|
| The new estimate of children aged 3-4 potentially eligible for a public school special education program is: | 2,982 |
| This figure needs to be interpreted as a high estimate based on the following factors: | 2,982 |

1. Eligible Indian children living on reservations may elect not to participate.

2. Children living in rural and remote areas may elect not to participate due to problems with transportation, school day, etc.

3. Some families may prefer private educational programs.

4. A thorough Child Find and child identification system is difficult to develop and implement.

| | |
|---|---|
| Therefore, given the above factors a more realistic estimate of the number of children likely to be identified as eligible for special education services in the school year 79-80 if the state enacts legislation mandating pre-school (3-4) special education is: | 2,000 |

## Preschool Program Costs

The enrollments for preschool handicapped pupils for 1978-79--three month average--are:

| | Age | Number |
|---|---|---|
| Self-contained | 0 thru 2 | 28 |
| | 3 thru 5 | 842 |
| Resource Room | 3 thru 5 | 53 |
| | Total: | 923 |

The 870 self-contained pupils generate 97.65 teachers; districts have employed 84.57 teachers. The 53 resource room pupils generate 1.52 teachers, which when phased up to actual allocations by the Special Education Section, becomes 1.834 resource room teachers.

The estimated compensation costs are:

| | | | |
|---|---|---|---|
| Self-contained Teachers | 84.57 x $17,430 | = | $1,474,055 |
| Resource Room Teachers | 1.834 x $17,430 | = | 31,967 |
| Teacher Aides | 44,930 hours @ $5.21/hr. | = | 234,085 |
| Supplies and Materials | | | 31,200 |
| Directors and Supervisors | 2.88 @ 19,945 | | 57,440 |
| Secretaries and Clerical | 2.88 @ 13,646 | | 39,300 |
| Total Preschool Handicapped Excess Cost Allocation | | | $1,868,047 |

$1,868,047 ÷ 923 = $2024/Preschool Handicapped Student

Those local districts currently operating a preschool handicapped program most often require additional funding. These funds may be obtained from a variety of sources including, but not limited to: Federal P.L. 94-142 funds, Federal Preschool Incentive funds, local school districts budgets, and special levies. This per pupil estimated cost is an average figure and will vary according to the severity of the handicapping condition. In general those children with multiple handicaps or more severely disabled will require more intense services which require a higher level of funding.

These figures represent an attempt to determine the fiscal impact of mandating special education and related services to all eligible handicapped children aged 3 and 4. Many factors influence the number of eligible children who would participate in preschool programs for the handicapped, some which have been taken into consideration and some which are difficult to determine at this time. A general caveat is in order: These are conservative estimates based on a logical chain of reasoning which takes into consideration the best information available. Therefore, any interpretations or decisions based on this data must be made with caution.

The estimated cost for a state mandated preschool program for the 1979-80 school year is:

$2,024 per pupil cost X 2000 pupils = **$4,048,000**

Appendix A

### Outline of Legal Issues Regarding the Education of Handicapped Preschool Children in Washington State

Currently, the State of Washington has failed to meet the apparent federal mandate of free appropriate education for all handicapped children between the ages of three and five, and of the Bureau of Education for the Handicapped to enforce that requirement. The following is an outline of the legal issues involved in our quandary in seeing the law followed.

The problem arises in interpretation by HEW of the language of PL 94-142 612 (2) (B) which states:

> The State will undertake...to insure that--(B) a free appropriate public education will be available for all handicapped children between the ages of three and eighteen within the State not later than September 1, 1978...except that, with respect to handicapped children aged three to five...inclusive, the requirements of this clause shall not be applibd in any state if the application of such requirements would be inconsistent with State law or practice, or the order of any court, respecting public education within such age groups in the State (emphasis added). Act of 1973, Public Law No. 94-142, 612 (2) (B)

Washington law makes special education for handicapped children under five a matter of local option. RCW 28A.13.050. We see no inconsistency between that provision and section 612. It follows that we feel that education is mandated for handicapped children age three and above in Washington. The Superintendent of Public Instruction claims that these laws exempt him from responsibility for assuring education for handicapped children aged three and four.

The federal regulations have two different statements, which would have to be viewed as contradictory for the SPI to be correct, 45 CFR 12: (a) (Supp. 8-23-77)

> (c) Exception. The requirement...does not apply to a state with respect to handicapped children aged three, four, five, eighteen, nineteen, twenty or twenty-one to the extent that the requirement would be inconsistent with State law or practice, or the order of any court, respecting public education for one or more of those age groups in the State. Fed. Reg. 45 F.R. 42481 (Sup. 8-23-77)

This closely tracks the statutory language cited above. 45 CFR 121 a. 300 (5) (a) relieves a state of the requirement of educating handicapped children in the ages of three through five if state law expressly prohibits public expenditures for it, or there is a Court Order controlling the issue.

> (5) A State is not required to make a free appropriate public education available to a handicapped child in one of these age groups if:
>
> (1) State law expressly prohibits, or does not authorize, the expenditures of public funds to provide education to non-handicapped children in that age group; 45 CFR 121a. 300 (5) (1) (8-23-77) Fed Reg 45 FR 42488 (Sup. 8-23-77)

Clearly, there is in Washington law no prohibition against public education of handicapped children under the age of five, or court order controlling it. Further, there is nothing in Washington Law that is inconsistent with actually providing education to such children. Further, RCW 28A.34.010 et seq. expressly authorizes expenditures of public funds for any kind of preschool education. The OSPI has sought clarification of this question from the Bureau of Education of the Handicapped, DHEW. They have received a verbal response that BEH will not take a position to clarify its own regulations on this issue. OSPI has further taken the position that without a clarification from BEH they must follow the state's permissive law to the letter.

We know that litigation will be unnecessarily costly and time consuming. Therefore, we are recommending passage of a change in the state law which will mandate services to handicapped three and four year old children.

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The preceding legal analysis was prepared by Troubleshooters, Washington State's Protection and Advocacy Agency under Public Law 95-602 (1600 West Armory Way, Seattle, Washington, 98119).

## Appendix B

### SENATE BILL NO. 3161

State of Washington
46th Regular Session

By Senator McDermott

Read first time February 9, 1979, and referred to Committee on EDUCATION.

AN ACT Relating to education for handicapped children; amending section 28A.13.010, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 66, Laws of 1971 ex. sess. and RCW 28A.13.010; and amending section 28A.13.060, chapter 223, Laws of 1969 ex. sess. as amended by section 7, chapter 66, Laws of 1971 ex. sess. and RCW 28A.13.060.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Section 1. Section 28A.13.010, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 66, Laws of 1971 ex. sess. and RCW 28A.13.010 are each amended to read as follows:

There is established in the office of the superintendent of public instruction a division of special education for handicapped children, to be known as the division for handicapped children.

Handicapped children are those children in school or out of school who are temporarily or permanently retarded in normal educational processes by reason of physical or mental handicap, or by reason of emotional maladjustment, or by reason of other handicap, and those children who have specific learning and language disabilities resulting from perceptual-motor handicaps, including problems in visual and auditory perception and integration.

The superintendent of public instruction shall require each school district in the state to insure an appropriate educational opportunity for all handicapped children ((~~of common school age~~)) from age three through age twenty-one. The superintendent of public instruction, by rule and regulation, shall establish for the purpose of excess cost funding, as provided in this chapter, RCW 28A.24.100 and 28A.41.053, functional definitions of the various types of handicapping conditions and eligibility criteria for handicapped programs. For the purposes of this chapter, an appropriate education is defined as an education directed to the unique needs, abilities, and limitations of the handicapped children.

This section shall not be construed as in any way limiting the powers of local school districts set forth in RCW 28A.13.050.

No child shall be removed from the jurisdiction of juvenile court for training or education under this chapter without the approval of the superior court of the county.

Sec. 3. Section 28A.13.060, chapter 223, Laws of 1969 ex. sess. as amended by section 7, chapter 66, Laws of 1971 ex. sess. and RCW 28A.13.060 are each amended to read as follows:

((Special-educational-and-training-programs--provided--by the--state--and--the--school--districts--thereof-for-handicapped children-may-be-extended-to-include-children-of--preschool--age. School--districts-which-extend-such-special-programs-to-children of-preschool-age-shall-be-entitled-to-the-regular-apportionments from-state-and-county-school-funds,-as-provided-by-law,--and--in addition--to--allocations--from--state--excess--cost--funds-made available--for--such--special--services--for--those--handicapped children---who---are---given---such---special--services.)) The superintendent of public instruction shall require each school district in the state to insure an appropriate educational opportunity for all handicapped children age birth through two commencing September 1981. In school years 1979/1980 and 1980/1981 handicapped children ages birth through two shall be provided appropriate educational opportunities pursuant to an interagency agreement executed between the office of the superintendent of public instruction and the secretary of the department of social and health services.

## Appendix C

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# A REPORT ON
# POPULATION PROJECTIONS FOR PRE-SCHOOL HANDICAPPED CHILDREN
# (AGES BIRTH THROUGH TWO YEARS)

By

KELLY GORDHAM

1979

**WASHINGTON STATE**
**DEVELOPMENTAL**
**DISABILITIES**
**PLANNING**
**COUNCIL**

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## A REPORT ON POPULATION PROJECTIONS FOR PRE-SCHOOL HANDICAPPED CHILDREN (AGES BIRTH THROUGH TWO YEARS)

Population estimates for pre-school developmentally disabled children in the state of Washington are considered to include persons with one of four types of disabilities specified in P.L. 94-103 (i.e., persons with mental retardation, cerebral palsy, epilepsy, and autism). In order to arrive at estimates of numbers of children potentially eligible for developmental disabilities Early Childhood Developmental Centers, current census data and prevalence rates acceptable to the Division of Developmental Disabilities and the Developmental Disabilities Planning Council have been used.

The prevalence rates (taken from Washington FY 1978 State Plan for Developmental Disabilities) are as follows:

| | |
|---|---|
| Mental Retardation | 3.0% |
| Cerebral Palsy | 0.2% |
| Epilepsy | 1.0% |
| Autism | 0.04% |
| Total Developmental Disabilities | 4.24% |

The following population estimates are based upon the above figures and data obtained from the Washington State Office of Financial Management.

1979 - State of Washington

| | |
|---|---|
| Estimated number of children ages birth through five years - | 274,000 |
| Estimated number of children ages 0, 1, 2 years (less than 3 years) - | 170,807 |
| Prevalence rate of Developmental Disabilities | 4.24% |
| Estimated number of children having some developmentally disabling condition - ages 0, 1, 2 years - | 7,242 |
| Total estimate of children ages 0-1 | 61,047 |
| Estimated number of children ages 0-1 year having some developmentally disabling condition - | 2,588 |
| Estimated number of children less than one year easily identifiable as needing specialized services: | |
| *a) All severely handicapped (0.3% of total children in age range - taken from President's Commission on Mental Retardation) | 183 |

| | |
|---|---|
| b) All children with cerebral palsy | 122 |
| c) All children with epilepsy | 610 |
| d) All children having autism | 24 |
| TOTAL | 939 |

*It would be difficult to identify conclusively children who may be somewhere above the low moderate range in this age group.

| | |
|---|---|
| Total estimate of children ages 1-2 years (not including 2 years) - | 56,928 |
| Estimated number of children ages 1-2 years having some developmentally disabling condition - | 2,393 |

Estimated number of children ages 1-2 years easily identifiable as needing specialized services:

| | |
|---|---|
| a) All severely retarded | 171 |
| b) All children with cerebral palsy | 114 |
| c) All children with epilepsy | 570 |
| d) All children having autism | 23 |
| TOTAL | 878 |

In addition to those children who are low-moderate to profoundly retarded, there would be certain children in the high-moderate to mild range who would be identifiable.

| | |
|---|---|
| Total estimate of children ages 2-3 years (not including 3 years) - | 52,832 |
| Estimated number of children ages 2-3 years having some developmentally disabling condition - | 2,240 |

Estimated number of children ages 2-3 years easily identifiable as needing specialized services:

| | |
|---|---|
| a) All severely retarded | 159 |
| b) All children with cerebral palsy | 106 |
| c) All children with epilepsy | 528 |

| | |
|---|---|
| d) All children having autism | 21 |
| TOTAL | 814 |

In addition to those children who are low-moderate to profoundly retarded, there would be certain children in the high-moderate to mild range who would be identifiable.

In a poll of Washington's 22 Early Childhood Developmental Centers, the following information was obtained regarding those children currently enrolled in the programs:

| | *0-12 mo. | 13-24 mo. | 25-36 mo. |
|---|---|---|---|
| Borderline | 2.6% | 2.5% | 13.6% |
| Mild | 28.2% | 20.3% | 19.9% |
| Moderate | 38.5% | 41.5% | 31.3% |
| Severe | 23.1% | 21.1% | 13.6% |
| Profound | 5.1% | 7.7% | 9.7% |
| Multiply Handicapped | 2.5% | 6.9% | 11.9% |

*Based on best available estimate of developmental age.

It cannot realistically be stated that we could identify the mild and borderline retarded children in the 0-12 month range due to problems in assessment of children at these age ranges.

Nor could it be expected that many mild or borderline retarded children could be identified at the 13-24 month range, however, with current assessments it would be possible to identify a small proportion.

At the 25-36 month range an increasing number of children could be identified.

Therefore, the population estimates on the previous pages appear to be somewhat low, indeed totally without the figures which would include the high moderate to borderline children.

It must also be stated emphatically that most children with epilepsy would not be in need of special pre-school services; however, under current eligibility criteria, these children would be eligible for developmental disabilities pre-school services.

Certainly many of the children identified in our sample of pre-school enrollment as mild and borderline would have epilepsy as the reason for eligibility.

For the purposes of identifying children with epilepsy who would need special pre-school programs we will reduce the number indicated as having epilepsy (arbitrarily) to ten percent. This would reduce our populations to 390, 365, and 339 respectively.

We also find that children currently enrolled in our pre-school programs who are in the low-moderate to profound range comprise between 45 and 50 percent of our total pre-school population. We find similar percentages in our population projections based on prevalence rates.

Although not statistically valid, it is interesting to note that our current child enrollment in pre-school programs in the high moderate to borderline range represents approximately 40 to 45 percent of our total pre-school program. Using this data, it can safely be assumed that indeed many higher level children could be identified and are in fact being identified.

Therefore extremely conservative estimates of pre-school eligible population is as follows:

| | 0-1 year | | 1-2 years | | 2-3 years ( 3 yrs.) | |
|---|---|---|---|---|---|---|
| Severely retarded | 183 | | 171 | | 159 | |
| Cerebral palsy | 122 | | 114 | | 106 | |
| Epilepsy | * 61 | | * 57 | | * 53 | |
| Autism | 24 | | 23 | | 21 | |
| | 390 | + | 365 | + | 339 | = 1,094 |

*Reduced to 10% (arbitrarily)

| | 0-1 year | | 1-2 years | | 2-3 years ( 3 yrs.) | |
|---|---|---|---|---|---|---|
| High moderate to mild (estimate only) | 50 | | 100 | | 150 | |
| | +390 | | +365 | | +339 | |
| | 440 | + | 465 | + | 489 | = 1,394 |

There are many factors that contribute to this relatively high rate of unserved children:

1. There are currently only 22 Early Childhood Developmental Centers serving only parts of 17 counties (Pierce and King counties may be considered to be relatively well covered as there are seven programs in King County and three programs in Pierce County). There are only four programs in all of eastern Washington.

2. There are no formal outreach or Child Find programs. (The Division of Developmental Disabilities, Case Management Section, is not allowed to perform outreach services.)

3. Some of the existing Developmental Disabilities programs do not provide transportation, and consequently many children residing in counties with programs remain unserved.

4. Some families may prefer not to participate in the program.

Senator **Randolph**. Next we have a panel consisting of Dr. Allen Gurley, director of the division of special education programs, Atlanta, Ga., and Dr. Henry Smith, assistant State superintendent of education, State Department of Education, Baton Rouge, La.

Dr. Smith or Dr. Gurley, who goes first?

## STATEMENTS OF DR. ALLAN GURLEY, DIRECTOR, SPECIAL PROGRAMS DIVISION, GEORGIA DEPARTMENT OF EDUCATION, AND DR. HENRY L. SMITH, ASSISTANT STATE SUPERINTENDENT FOR SPECIAL EDUCATIONAL SERVICES, LOUISIANA STATE DEPARTMENT OF EDUCATION, A PANEL

Dr. **Gurley**. I am Allan Gurley, director of the special programs division of the Georgia Department of Education. In my capacity I have State-level responsibilities for programs for children with special needs, including those identified as handicapped. With me today is Ms. Joy Berry who serves as an educational planner on Governor Busbee's staff, and Ms. Candy Brown, assistant to the Governor for intergovernmental relations. I would like for them to stand.

Thank you.

Our collective presence here today is an indication that my testimony represents a cooperative effort between the Georgia Department of Education and the office of the Governor in providing appropriate educational opportunities for handicapped children in our State.

In my statement there are three issues I would like to discuss, due process procedures, interagency cooperation, and refinement of definitions.

In lieu of time, I will leave out in my testimony the brief outline of the progress that Georgia has made in special education in recent years. It is a part of the record. Tremendous progress has been made. I will reiterate that in 1968, our State passed a bill mandating services for all exceptional children within a period of 8 years. This was much before the passage of Public Law 94-142, and we have had tremendous progress since that period of time, and a tremendous increase in State funds. This school year, we will expend over 120 million State dollars or over 12 percent of our total education budget to address the needs of the handicapped.

In the three areas that I would like to discuss, due process procedures is first.

I think we have made extensive efforts to implement Congress intent for providing both local and State level hearing processes for parents, guardians and LEA's who have concerns about children's educational needs not being addressed appropriately or adequately. We have found that approximately 80 percent of hearings held have dealt with the placement of the handicapped child and another 15 percent concerned the content of the individual educational plan.

The problem with the hearing process is that it too often results in adversarial confrontations which are emotionally taxing and are financially costly to all parties concerned. We believe that the interest of the handicapped child is better served by a process which arrives at an amicable consensus concerning the services required to address the educational needs of that individual. Data compiled by our State indicates that about one-third of the placement and IEP content issues were resolved through informal mediations. In these situations, the needs of the handicapped child are met more effectively in that all interested parties are committed to the resolution.

We recommend that Congress explicitly clarify its intent concerning the process to be used in resolving programmatic differences. We strongly urge Congress to explicitly support the concept of informal mediation as the ideal vehicle for resolution of such differences. We believe that mediation should be viewed as voluntary and should in no way be used to delay or preclude parental rights to a formal due process hearing. On the other hand, a positive position by Congress toward informal mediation would prevent many harmful adversarial confrontations. One approach that Congress could take is to require local educational agencies to offer opportunities for mediation if parents and guardians express dissatisfaction during the IEP meetings and such dissatisfaction is unresolved.

I have referred in my testimony to some of the complexities, conflicts between State and Federal law and the hearing process.

In Georgia, there is a conflict in State law and Federal law concerning the hearing process and the role of the local board of education. We are in the process now of trying to change our State law in order to comply with the Federal rules and regulations. Without a change in State law, it is doubtful that we can force the due process hearing that has recently been approved by the bureau of education for the handicapped for our State.

The issue of interagency cooperation is a very difficult problem to analyze. Thousands and thousands of man-hours have been expended at all three levels of government in efforts to resolve interagency coordination and interfacing problems, yet many issues remain unsatisfactorily resolved.

In our State, legislation was passed in 1974 that requires agencies involved in education of handicapped children to meet and work together on a periodic basis. We have found this very helpful. However, we believe the issues which remain must be resolved on a national level.

The first issue concerning interagency agreements pertains to the increasing responsibility placed on education to provide all services needed by a handicapped child. For many years, other State agencies have provided various services to handicapped children through State and Federal funds. We are rapidly reaching a point where all services are being requested under the auspices of education; whereas, there has been no transfer of funds from other agencies for services previously rendered.

It is quite understandable that human resources agencies will utilize the funds being released through the transfer of children and youth from human resources facilities to education agencies to serve other needy populations they could not serve previously. However, the end result is that the funds needed to provide a wide array of support services to the transferred handicapped youngsters are no longer available.

The second issue concerning interagency agreements pertains to the role of the State educational agency in monitoring programs provided through other State agencies for handicapped children. It is an administrative nightmare to enforce State educational standards on other agencies that are operating under State and Federal laws which also require enforcement of their own programmatic standards.

Quite obviously, these agencies will be responsive to standards which are linked to their continued funding, rather than those of a State agency which is their peer. A possible solution for this situation is clarification at the national level of what would be a realistic role and responsibility of the various agencies which provide services to handicapped children and youth.

The last issue that I would address, Senator Randolph, centers around definitions of such terms as "appropriate education," "least restrictive environment," and "related services." In our State, these terms are interpreted in a variety of ways from local system to local system. These varied interpretations result in individuals with the same or very similar needs having quite different placements and receiving different levels of services.

To some extent these variations are justifiable given the current state of knowledge, the availability of resources, and variances in educational philosophy. We believe that differences would be reduced if we could systematically collect longitudinal data concerning the educational impact of placement and service decisions. At the State level, we have not had the resources available to systematically evaluate the effectiveness of placement of children in various components on the continuum of services included in regulations for compliance with Public Law 94-142 which further complicates interpretation of terms such as "appropriate placement."

The majority of the 94-142 funds retained by the State are being expended for direct services to handicapped children. Also, it should be noted that the state education agency is now providing services to those children classified as severely handicapped, services which are extremely expensive, especially for those students requiring 24-hour residential care.

We believe that each State should resolve the problem of varied interpretations of definitions; that we should conduct longitudinal studies to determine the impact of local placement decisions; that we should ensure support services are at the level at which they were when the youngsters were served by other State agencies; and that we should assure local system personnel are adequately trained to make the best possible placement decisions and to conduct fair and effective mediation processes. However, we do not now have the fiscal resources to do these things and to finance the direct services we are now providing as well. Only when the appropriation level of 94-142 approaches the authorization level will we be able to address these issues.

I appreciate very much this opportunity. We share common goals of appropriately serving all handicapped children and youth. Your assistance will enable the local educational agencies to do a better job in achieving this shared goal.

Thank you.

[The prepared statement and additional material supplied by Dr. Gurley follows:]

Testimony for

Senate Oversight Hearing on P.L. 94-142,

Education for All Handicapped Children Act of 1975

October 1, 1979

I am Allan Gurley, Director of the Special Programs Division of the Georgia Department of Education. In my capacity I have state-level responsibilities for programs for children with special needs including those identified as handicapped. With me today is Ms. Joy Berry who serves as an Educational Planner on Governor Busbee's staff. Our collective presence here today is an indication that my testimony represents a cooperative effort between the Georgia Department of Education and the Office of the Governor in providing appropriate educational opportunities for handicapped children in our State.

I will present a statement concerning three issues -- due process procedures, interagency cooperation, and refinement of definitions. Before I present these points, I would like to briefly outline the progress that Georgia has made in special education in recent years.

Background

Georgia's initial legislation addressing the needs for the handicapped was provided in our first major foundation statute of 1968. The Georgia General Assembly enacted a separate statute (House Bill 453) which set a deadline for mandatory services for all school-aged exceptional children and youth within a period of eight years. Although economic conditions and the inability of colleges to prepare the needed special education teachers resulted in the deadline being delayed by three years, all identified handicapped children and youth, ages five through 18, will be served through our special education program this next school year. Between the period of 1968 and the enactment of P.L. 94-142 in 1975, the number of special education teaching units in Georgia had increased by 4,000 or by nearly 350 percent and we have continued to provide additional teachers sufficient in quantity to meet the needs of all handicapped children effective September of this school year. Thus, it is obvious that Georgia has charted a course of achieving the spirit and intent of P.L. 94-142 even before it was enacted in 1975.

We now include in our State budget over 120 million state dollars (or over 12 percent of the education budget) to address the educational needs of approximately 140,000 exceptional children. It should be noted that 32 percent of the handicapped children in our State receive more than one service; that is, they have two handicapping conditions which require service for each. We have established an exemplary program for severely emotionally disturbed children which provides the needs for the entire State at a cost of $8,200,000. To our knowledge, this is the only comprehensive program of this type throughout the country effectively meeting the needs of the child indentified as having severe emotional problems.

The State of Georgia is proud of its role and history in serving these children. In presenting this brief overview of our program, I hope you perceive the positive spirit in which our State's testimony is offered, i.e., as an effort to enhance Georgia's thrust toward meeting the needs of handicapped children and youth.

We commend Congress for the passage of P.L. 94-142. Our own Georgia legislation passed in 1968 includes the same philosophy of the law, i.e., mandated an appropriate education would be provided for all handicapped children and at no cost to the parents.

Due Process Procedures

Georgia has made extensive efforts to implement Congress' intent for providing both local- and state-level hearing processes for parents, guardians and LEA's who have concerns about children's educational needs not being addressed appropriately or adequately. We have found that approximately 80 percent of hearings held have dealt with the placement of the handicapped child and another 15 percent concerned the content of the IEP. The problem with the hearing approach is that it too often results in adversarial confrontations which are emotionally taxing and are financially costly to all parties concerned. We believe that the interest of the handicapped child is better served by a process which arrives at an amicable consensus concerning the services required to address the educational needs of that individual. Data compiled by the State indicate that about one-third of the placement and IEP content issues were resolved through informal mediations. In these situations the needs of the handicapped child are met more effectively in that all interested parties are committed to the resolution.

We recommend that Congress explicitly clarify its intent concerning the process to be used in resolving programmatic differences. We strongly urge

Congress to explicitly support the concept of informal mediation as the ideal vehicle for resolution of such differences. We believe that mediation should be viewed as voluntary and should in no way be used to delay or preclude parental rights to a formal due process hearing. On the other hand, a positive position by Congress toward informal mediation would prevent many harmful adversarial confrontations. One approach that Congress could take is to require local educational agencies to offer opportunities for mediation if parents and guardians express dissatisfaction during the IEP meetings and such dissatisfaction is unresolved.

A related issue is the role that local boards of education may and should play in the local due process hearings. It is clear that it is an overall goal of P.L. 94-142 to assure the provision of a free appropriate education for all handicapped children without unwarranted delay, while at the same time protecting the rights of such children through due process procedures. Included in P.L. 94-142 is language that states:

> "Section 615(b)(2) ...the parents or guardian shall have an opportunity for an impartial due process hearing which shall be conducted by the State educational agency or by the local educational agency or intermediate educational unit, as determined by State law or by the State educational agency. No hearing conducted pursuant to the requirements of this paragraph shall be conducted by an employee of such agency or unit involved in the education or care of the child." (underlining added for emphasis)

Section 121a.506 of the regulations for implementation of the law includes the following provision.

> "(b) The hearing must be conducted by the State educational agency or the public agency directly responsible for the education of the child, as determined under State statute, State regulation, or a written policy of the State educational agency."

Considerable discussion and concern has occurred in interpreting the intent of Congress as well as the Bureau of Education for the Handicapped in what type procedure should take place to resolve differences between local school districts and parents in the provision of an appropriate education for their child. In the State of Georgia, we have a conflict between State law and an interpretation of the federal law regarding the role of local boards of education in resolving conflicts of this type.

Georgia enacted legislation as early as 1919 establishing the local board of education as the tribunal for hearing and determining matters of local controversy. Although amended over the years to clarify due process procedures, this role of the local board has been a statutory fixture since that time. The State's Attorney General has rendered an opinion which concludes that this statute cannot be ignored in implementing due process hearings under P.L. 94-142.

Georgia is attempting to comply with complexities of regulations and policies from the Bureau for the Education for the Handicapped. It now appears that if Georgia is to comply with the existing interpretations, the local boards of education will have the authority to resolve all local educational issues except those concerning handicapped individuals. In these latter instances the local boards will be bypassed. We do not believe that this was the intent of Congress. Nor do we believe it was the intent of Congress for disagreements between parents and local education agencies to result in the complexities of hearings and court proceedings currently taking place. It seems these issues are of concern throughout many states and do require clarification by Congress.

Interagency Cooperation

The issue of interagency cooperation is a very difficult problem to analyze. Thousands and thousands of man-hours have been expended at all three levels of government in efforts to resolve the interagency coordinating and interfacing problems, yet many issues remain unsatisfactorily resolved. In our State, legislation was passed in 1974 that requires agencies involved in education of handicapped children to meet and work together on a periodic basis. We have found this very helpful. However, we believe the issues which remain must be resolved on a national level.

The first issue concerning interagency agreements pertains to the increasing responsibility placed on education to provide all services needed by a handicapped child. For many years, other state agencies have provided various services to handicapped children through state and federal funds. We are rapidly reaching a point where all services are being requested under the auspices of education; whereas, there has been no transfer of funds from other agencies for services previously rendered.

It is quite understandable that human resources agencies will utilize the funds being released through the transfer of children and youth from human resources facilities to education agencies to serve other needy populations they could not serve previously. However, the end result is that the funds needed to provide a wide array of support services to the transferred handicapped youngsters are no longer available.

The second issue concerning interagency agreements pertains to the role of the state educational agency in monitoring programs provided through other state agencies for handicapped children. It is an administrative nightmare to to enforce state educational standards on other agencies that are operating under state and federal laws which also require enforcement of their own programmatic standards.

Quite obviously these agencies will be responsive to standards which are linked to their continued funding, rather than those of a state agency which is their peer. A possible solution for this situation is clarification at the national level of what would be a realistic role and responsibility of the various agencies which provide services to handicapped children and youth.

## Refining Definitions

The final issue we wish to address today centers around definitions of such terms as "appropriate education", "least restrictive environment", and "related services". In Georgia these terms are interpreted in a variety of ways from local system to local system. These varied interpretations result in individuals with the same or very similar needs having quite different placements and receiving different levels of services.

To some extent these variations are justifiable given the current state of knowledge, the availability of resources, and variances in educational philosophy. We believe that differences would be reduced if Georgia could systematically collect longitudinal data concerning the educational impact of placement and service decisions. At the state level, we have not had the resources available to systematically evaluate the effectiveness of placement of children in various components on the continuum of services included in regulations for compliance with P.L. 94-142 which further complicates interpretation of terms such as "appropriate placement".

The majority of the 94-142 funds retained by the State are being expended for direct services to handicapped children. Also, it should be noted that the state education agency is now providing services to those children classified as severely handicapped, services which are extremely expensive, especially for those students requiring 24-hour residential care.

We believe that each state should resolve the problem of varied interpretations of definitions; that we should conduct longitudinal studies to determine the impact of local placement decisions; that we should ensure support services are at the level at which they were when the youngsters were served by other state agencies; and that we should assure local system personnel are adequately trained to make the best possible placement decisions and to conduct fair and effective mediation processes. However, we do not now have the fiscal resources to do these things and to finance the direct services we are now providing as well. Only when the appropriation level of 94-142 approaches the authorization level will we be able to address these issues.

Thank you for this opportunity to present the needs of Georgia. We share common goals of appropriately serving all handicapped children and youth. Your assistance will enable the local educational agencies to do a better job in achieving this shared goal.

NOV 13 1979

STATE OF GEORGIA
DEPARTMENT OF EDUCATION
OFFICE OF INSTRUCTIONAL SERVICES
STATE OFFICE BUILDING
ATLANTA 30334

CHARLES McDANIEL
State Superintendent of Schools

LUCILLE G. JORDAN
Associate State Superintendent

November 9, 1979

Received
Date 11-13-79
Subcommittee on
The Handicapped

Honorable Jennings Randolph, Chairman
Subcommittee on the Handicapped
4230 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Randolph:

I appreciate very much the opportunity to testify before the Subcommittee on the Handicapped concerning implementation of P.L. 94-142. At the end of my testimony, a member of your staff asked that I respond to a number of additional questions. Enclosed is a copy of my response.

Your careful study and evaluation of the implications of this law are appreciated.

Sincerely,

Allan W. Gurley

Allan W. Gurley, Director
Division of Special Programs

AWG:bgw
Enclosure
cc: Dr. Charles McDaniel
Dr. Lucille G. Jordan
Dr. Arthur E. Bilyeu

1. Could you clarify whether the Georgia due process problem concerns the requirement that hearings be conducted by an impartial hearing officer or whether it concerns the requirement that a party aggrieved by a decision by a local hearing officer have the opportunity to appeal it to a state hearing officer.

   Georgia's due process hearing procedure provides for a State-trained impartial hearing officer and an appeal process to the State Board of Education. The problem lies in the involvement of the local board of education in the hearing decision. Under Georgia law the local board of education is the legal body authorized to make decisions for all students in any matter of local controversy. There is a conflict in the federal requirement for due process hearings for the handicapped and the local board authority under Georgia law.

   At present, the impartial hearing officer's decision is routed through the local board of education where that decision may be either accepted or rejected. If rejected, it is automatically appealed to the State Board of Education.

   The overall problem lies first in a basic conflict of federal and State law; secondly, the dissatisfaction of local school officials who feel it is unfair to take away local controls; and, thirdly, the dissatisfaction of parents who feel that decisions made by local and state boards of education can not be considered impartial.

2. Would you describe to the subcommittee the extent and type of services provided by other agencies prior to the passage of Public Law 94-142?

   Prior to the passage of 94-142, other agencies typically provided for indirect and related services to the handicapped. Some types of services provided would include medical services, physical therapy, counseling, insurance coverage for residential or special day programs, psychiatric services, mental health counseling and social services. However, since the passage of P.L. 94-142 many agencies and insurance companies have expected education to take over many of the services. Our State is presently working to complete cooperative agreements to delineate the responsibilities of the agencies providing services to handicapped children.

   However, the cost for providing special education and related services has soared because of the additional burden for services that this education agency has never been responsible for in the past. The percentage increase of costs for education of the handicapped in State and local agencies has by far exceeded the percentage increase of funds provided by the federal government.

   Additionally, it would be of great importance for the federal agencies to further develop interagency agreements themselves to assist states in their own development of cooperative planning for services between agencies.

STATE LEVEL PERSONNEL - IEP

1. Is each individualized education program developed for a handicapped child unique, or is there a "master" IEP form which teachers, principals and other participants are encouraged to use?

   Each IEP is to be unique, especially designed for each child in meeting that child's educational needs.

2. Are there any patterns in disagreements between parents and educators in the development and implementation of IEP's?

   Parental disagreements are generally with the placement decision resulting from the development of the IEP. Parents feel their child could be better served in another in-school setting or, in most cases, a program outside the public education program. However, the disagreements over the actual development and implementation of the IEP have been minimal.

3. Have you encountered any demand for IEP's for nonhandicapped students in your state?

   At present there are no statewide requests for development of IEP's for nonhandicapped students. Some systems in the State have implemented the development of IEP's for the gifted, but this procedure is left up to the local system.

STATE LEVEL PERSONNEL - FUNDING

1. Does you state budget planning cycle take place prior to final approval of your P.L. 94-142 state plan? If so, what effect does late receipt of a firm federal grant commitment have on effective program planning and expansion of programs for handicapped children?

   The State budget planning cycle is one year in advance of the fiscal year. State level planning has not been adversely affected by the prior development of budgets before the exact federal funding level is determined. There has been a problem in planning by the local agencies. Local budgets typically are revised during the school year depending on the changes in that system necessary to meet the changing needs and services for the handicapped.

2. What effect do you feel the "Proposition 13 movement" has had on the special education services and related services available to handicapped children?

   The Proposition 13 movement has not had a direct effect on services to the handicapped at this time. Levels of services have continued to increase. We anticipate a leveling off of this increase during the next school year. We also could expect that the Proposition 13 movement would have its greatest effect during this leveling off period when the State and local agencies are attempting to maintain programs and services that have been developed during the last few years.

3. What proportion of your total special education budget is currently used to pay private placement costs? Are other agencies sharing these costs with the education agency? If so, to what degree are these agencies sharing costs?

   State and local education agencies are providing the funds for private school children placed in a private school according to the IEP for that child. When a local system agrees to the placement of a child in a private school, the local system is responsible for arranging for the education of that child to be at no cost to the parents.

   The cost for private school placement of handicapped children is approximately two percent of the total budget for Georgia including State, local and federal funds. This percentage would put the cost for private school education in excess of two million dollars annually.

   Although the exact amount provided for private school cost is unavailable at this time, it would be very minimal comparatively.

4. What proportion of your special education excess costs are provided from local, state and federal sources?

   During FY 80 we have budgeted $146,877,058 for education of the handicapped. Of this amount, $119,863,309 is allotted from State funds and $27,013,749 federal funds. Local funds are not included in this figure. The average cost for educating a regular child for FY 80 is $1100; whereas, it costs approximately $2200 to educate a handicapped child. Approximately 85 percent of our excess costs originated from local and State funds. As noted in the above figure, a vast majority of funds for educating the handicapped in our State is either local or State.

STATE LEVEL PERSONNEL - SECONDARY SCHOOL

1. A 1979 report by the HEW Inspector General found in school districts surveyed that..."Special education programs were weak at the junior high and high school levels." In your judgment, how does this finding relate to the secondary curriculum in your state? What types of vocational education programs do you have to enable non-college bound handicapped students to become employable members of the labor force?

   Georgia began a special emphasis on vocational programs for handicapped children two years ago. This program, the Related Vocational Instructional (RVI) program provides a specialized teacher, equipment and materials for secondary learning disabled, behavior disordered, and educable mentally retarded students. In addition to the specialized program, Georgia has an agreement with Vocational Rehabilitation and the Department of Human Resources to provide secondary vocational programs for the handicapped in other areas of disability.

2. Please describe how your state department of education and the vocational rehabilitation agency in your state cooperate to ensure that secondary level handicapped individuals have a smooth transition to employment and/or further schooling?

   The department of vocational rehabilitation provides regional vocational rehabilitation (VR) counselors to assist local systems in providing programs for secondary handicapped students. The VR counselor will meet with local system personnel and outline programs for the handicapped which include home visits, medical evaluations, pre-vocational evaluations, sheltered employment and community job placements. VR and local systems develop cooperative agreements to delineate services that can be provided.

3. What type of graduation certification is provided for handicapped individuals in your state?

   The State recommends the establishment of programs to allow mild and moderately handicapped students to earn diplomas for graduation the same as those diplomas for regular education students. For handicapped students with severe disabilities a certificate for graduation is given to the students who have completed the requirements for graduation established to meet their own individual needs and abilities.

STATE LEVEL PERSONNEL - DUE PROCESS

1. How many due process complaints have been filed in your state since Public Law 94-142 went into effect? How many were resolved by informal mediation? How many due process hearings have been held? How many decisions were appealed? How many decisions were decided in favor of the parents? the school district?

| YEAR | COMPLAINTS FILED | MEDIATED SUCCESSFULLY | HEARINGS HELD | INITIAL DECISION | | APPEALS OF DECISION | DECISION OF APPEAL | |
|---|---|---|---|---|---|---|---|---|
| | | | | Parent | LEA | | Parent | LEA |
| 1977-78 | 12 | 4 | 8 | 0 | 8 | 3 | 0 | 3 |
| 1978-79 | 28 | 7 | 21 | 7 | 13 | 5 | 0 | 5 |
| 1979-80 | 13 | 3 | 10 | 2 | 8 | 6 | 0 | 6 |

2. Are there any patterns in due process complaints in your state?

The majority of due process hearings held in Georgia have been issues of placement, particularly involving tuition for private schools, and issues of evaluation and the IEP process as it relates to placement. The hearings have dealt with every area of exceptionality with the majority involving children with severe and multi-handicaps particularly in the area of the behavior disordered and emotionally disturbed.

STATE OF GEORGIA
DEPARTMENT OF EDUCATION
OFFICE OF INSTRUCTIONAL SERVICES
STATE OFFICE BUILDING
ATLANTA 30334

CHARLES McDANIEL
State Superintendent of Schools

LUCILLE G. JORDAN
Associate State Superintendent

November 6, 1979

Honorable Robert T. Stafford
Member, United States Senate
5219 Dirksen Senate Building
Washington, D.C. 20510

Dear Senator Stafford:

I appreciate very much the opportunity to testify before the Subcommittee on the Handicapped concerning implementation of P.L. 94-142. At the end of my testimony, a member of your staff asked that I respond to a number of additional questions. Enclosed is a copy of my response.

Your careful study and evaluation of the implications of this law are appreciated.

Sincerely,

Allan W. Gurley, Director
Division of Special Programs

AWG:bgw
Enclosure
cc: Dr. Charles McDaniel
Dr. Lucille G. Jordan
Dr. Arthur E. Bilyeu

1. What form do your mediations take?

In accordance with the FY 80 Annual Program Plan for Special Education in Georgia, local school systems are required to provide an opportunity for mediation in special education referral, evaluation, placement, or programming. The mediation is conducted by one or more appointed by the local school superintendent from among school personnel or individuals outside of the system.

Mediation in non-obligatory on the part of the parents and it may not interfere with or delay the appealing party's rights to a free due process hearing. The mediations are conducted in an informal manner with parents being accorded the same rights and privileges guaranteed by P.L. 94-142 in due process hearings.

Local mediation continues to be an effective means of resolving special education conflicts, as evidenced by the number of agreements reached between the time of a request for a hearing and the date the hearing is actually scheduled. During FY 79, regional hearing officers' reports indicated that seven out of 28 appeals were resolved through the mediation process and did not require due process hearings. State monitoring activities have shown that an additional number of mediations have been successfully conducted locally prior to an official due process appeal.

State regulations further provide that in the event mediation fails to bring about a satisfactory resolution of conflicts, the parties are entitled to a due process hearing.

2. Who is involved in the mediation process?

Mediation is conducted by one or more designees of the local superintendent of schools, as specified in the State's Annual Program Plan. Although informality is stressed, all parties are informed of their rights to be represented by legal counsel or to have witnesses present during the process. In order to maintain the degree of informality required to reach a timely and acceptable agreement which all parties will honor, the presence of legal counsel and large numbers of witnesses are discouraged.

Beginning in December 1979, the State Department of Education will conduct four regional workshops on effective mediation techniques. Each school system has been invited to send one mediator to participate. The training will emphasize effective communication techniques for mediation and agreement writing. In cooperation with a mediation agency, the Neighborhood Justice Center of Atlanta, a set of training activities and a manual have been developed expressly for this purpose and will be distributed to all workshop participants and 16 centers of the Georgia Learning Resources System.

3. Does your State have interagency cooperation agreements with other service agencies within your State?

   Yes, the Georgia General Assembly adopted in 1974 an act creating the Coordinating Committee for Exceptional Individuals providing for representation from the Departments of Education and Human Resources. Legislation was later introduced in the 1978 session to expand the Committee to include representatives from the Department of Offender Rehabilitation. With the act came a resolution in 1978 providing that a concerted effort be made over the ensuing 12 months to address the following issues.

   a. Adopt uniform practices and procedures regarding the release of confidential information to member agencies or their local units which are receiving clients being transferred from another member agency.

   b. Delineate the roles of the various member agencies and their local units with regard to handicapped individuals.

   c. Identify and resolve issues relative to operational overlap between member agencies.

   d. Develop procedures which promote cooperation and sharing of information among member agencies and their local units.

   e. Develop procedures designed to insure that each handicapped individual is provided adequate and appropriate services.

To this end, the Committee has held periodic sessions which have resulted in the development of the following cooperative agreements.

a. Department of Human Resources, Division of Vocational Rehabilitation, Department of Education, Office of Vocational Education, and the Division of Special Programs - the agreement is designed to coordinate vocational services to handicapped individuals and was executed in March 1979.

b. Departments of Education and Human Resources - this agreement was initiated by the Division of Special Programs, the Division of Mental Health and Mental Retardation and the Division of Youth Services. Executed in June 1979, this agreement supports cooperative relationships in the development, implementation and maintenance of day services for severely emotionally disturbed adolescents.

c. Department of Offender Rehabilitation and Department of Education - it seeks to coordinate services for handicapped individuals residing in state institutions, administered by the Department of Offender Rehabilitation, for whom the Education Department also has responsibilities. This agreement was developed in September 1979.

d. Department of Education and Department of Human Resources - signed in September 1979, this agreement addresses cooperation in providing appropriate programs for severely handicapped students and is an addendum to an agreement formerly entered into in October 1977.

e. Departments of Education and Human Resources - this agreement was initiated by the Divisions of Special Programs and Youth Services to provide cooperation in serving handicapped individuals confined to youth development centers administered by the Department of Human Resources. It was executed in September 1979.

Each of the above agreements seek to delineate responsibility which recognizes the importance of practical solutions which must be developed at local as well State levels. All agreements have been distributed to local school systems and other agencies involved in serving the populations for whose benefit they were developed.

4. What is the basic reason for the varied interpretations of appropriate education, least restrictive environment, and related services amongst the different local school districts?

There are several reasons, the basic ones being the inherent lack of specificity in the federal regulations and the rather subjective nature and function of local placement committees charged with the responsibility of making determinations in individual cases. As defined in Section 121a.4, Federal Regulations to P.L. 94-142, "Free Appropriate Public Education" is one which is ..."(d)...provided in conformity with an individual education program which meets the requirements under Section 121a.340..." There is great confusion as to what is "appropriate" in situations where there is disagreement among parents and other team members. If appropriate is determined with respect to IEP content, and the parent disagrees, hearing officers are now required to make judgments as to "appropriate" without benefit of specific BEH guidelines. Similarly, the term "least restrictive environment" needs further clarification. As presently defined in Section 121a.550, "Each public agency shall insure that ... to the maximum extent appropriate, handicapped children, including children in public or private institutions or other care facilities, are educated with children who are not handicapped..."

Again, a problem surfaces by virture of the definition incorporating "appropriate" as the standard measure. If there is disagreement with regard to what is "appropriate" for a given child, the burden of determination falls on the impartial hearing officer who makes a judgment without benefit of more specific guidelines.

The term "related services" presents problems when determinations are made regarding medical intervention. A dilemma is created, for example, in attempts to delineate medical intervention from "related services" for children requiring such support services as otological, physiatric, and orthopedics, all of which are vital to the child's success in the special education program.

5. Does Georgia have any 94-142 program in its correctional institutions for those individuals who are handicapped?

The Departments of Education, Human Resources, and Offender Rehabilitation recently initiated cooperative agreements to serve individuals residing in youth development centers and other State institutions. However, at the present time, no 94-142 programs are available for students in these agencies. The agreements call for cooperative efforts in conducting needs assessments, developing IEP's and providing staff for children/youth in need of special education. A comprehensive plan is to be developed and will include needs assessment results and delivery models for serving identified handicapped children/youth. Agreements further provide for the joint development of educational standards to be applied and monitoring for compliance with P.L. 94-142.

6. What problems do the school districts have when the State plan is not approved until September of the school year in which the monies are to be received?

   Although the fundamental support of programs for handicapped children is provided by State and local allocations, many local school systems rely heavily on federal flow-through dollars to supplement programs and services for first priority children. Delays in approving and funding the State's Annual Program Plan necessarily results in costly delays in providing services to students most in need of such services. The effects of such delays are felt in attempts to recruit and contract with the best qualified professional staff and related services personnel. Restrictions in the use of federal funds for severely handicapped and other unserved or inappropriately served populations make difficult the provision of appropriate equipment, materials and other instructional support services and products.

7. What is the basic reason for not having an approved State Plan earlier than September of this year?

   The Annual Program Plan was submitted within appropriate timeframes for approval by the Bureau of Education for the Handicapped, U. S. Office of Education. The key factor in the delay was a conflict between State and federal statutes resulting in much negotiation with regard to the State's due process hearing procedures. The negotiations lasted approximately three months, and well into the current school year.

GENERAL QUESTIONS FOR SCHOOL ADMINISTRATORS

1. What preschool identification and evaluation procedures are used in your school districts?

   The Georgia Department of Education provides services to all five year olds who have special educational needs and for a limited number of three- and four-year-old children who are either physically, mentally or emotionally handicapped or perceptually or linquistically deficient. State law provides further that children, zero to five years of age, whose handicaps are so severe as to necessitate early education intervention may be eligible for special education services. Preschool handicapped children are located and identified by local school systems through regular preschool round-ups and through intensive Child Find and Child Serve efforts.

   In order to qualify for special education services, preschool handicapped students are subject to the same due process requirements as are school-age handicapped; i.e., they must have a comprehensive evaluation, parents must be given appropriate notice and consent for placement, and an IEP must be developed. A variety of evaluation techniques including vision and hearing screenings, speech/language evaluations and developmental scales are administered to these children prior to placement for special education and related services. Specific evaluations are selected at the discretion of local education agencies and are based on individual child needs.

2. Besides the public schools, what other local and State agencies are involved in the identification and evaluation of preschool handicapped children?

   Referral and evaluation of preschool children are handled by a variety of agencies including, but not limited to Crippled Children's Unit and Child Development Centers of the Department of Human Resources, regional psychoeducational centers for severely disturbed children, Department of Human Resources training centers, head start programs, and programs for young children under Titles IV-C and I. Comprehensive appraisals are available for preschool children exhibiting complex and multiple handicaps by referrals to the Diagnostic Services Program, Georgia Learning Resources System. The Georgia Center for the Multi-handicapped provides comprehensive appraisals for severely and multiply handicapped children and youth.

3. What types of preschool programs do your school districts provide for handicapped children?

   (See item #1 above)

4. What types of tests and other procedures are used in the identification and evaluation of handicapped children in the school districts? Who administers these tests?

The specific types of tests to be administered to preschool handicapped students are determined on an individual child basis. However, certain procedures such as hearing and vision screening, speech/language, and developmental inventories are often administered routinely to all children. LEA's make provision for comprehensive evaluation of preschool handicapped students in accordance with federal and State due process requirements. The following are a few examples of assessment instruments previously used with preschoolers throughout the State.

(See Attachment A)

5. In what ways, if any, do limitations on availability of a particular special education resource influence which types of handicapping conditions are identified, evaluated, and served?

Services for handicapped students are uniformly available statewide in most areas of exceptionality and State policy requires that all handicapped students' IEP's must reflect needed programs and services regardless of resource availability. However, compliance monitoring results have pointed to the lack of a full continuum of services for severely and multiply handicapped youngsters in certain areas of the State. Children exhibiting moderate handicapping conditions, for example, may often receive services in more or less restrictive settings due to unavailability of school-based programs and services in the area of behavior disorders. Recruitment efforts have been unsuccessful in rural areas to meet the full needs of speech/language impaired students.

The State Board of Education has recommended that the 1980 General Assembly consider approval of a feasibility study to determine whether State-supported residential facilities are needed to serve students currently enrolled in private programs or programs in other states.

6. To what degree have you used private placements in order to provide the educational services needed by handicapped children?

   a. In general, what are the reasons for private placements in the school districts?

   b. Is there any pattern by handicapping condition in your private placements?

   c. Have these placements in private programs been the result of local school districts not having an appropriate program for these children?

   d. How many of these children were placed in private programs prior to the implementation of P.L. 94-142?

Local school systems are generally able to provide comprehensive services for all exceptional children within their districts without resorting to private placement. However, in isolated instances, they must seek services through private placement or through contracting with private agencies. In FY 79, the State set aside $674,000 in a Special Grant Program for Severely and Multiply Handicapped Students for the purpose of assisting LEA's in providing necessary educational and related services at no cost to parents. A total of 102 children received funding through this project.

In addition to State allocations, local school systems are required to assume financial responsibility for educating private school children equal to the percent of their annual contribution to local budgets. All due process requirements are in effect prior to placement outside the local school district and the non-public agency must meet standards set by the School Standards and Proprietary Schools sections of the Department of Education.

7. In what types of educational settings, besides the regular classroom, are handicapped children in the school districts receiving education and related services?

Special education and related services are provided through varying exceptionality areas and program delivery models. The majority of handicapped students receive a portion of their instruction in the regular education setting. Still fewer are enrolled in self-contained special education programs within regular school plants and a small number in special schools, centers, institutions, residential settings, training centers, and other more restrictive settings. The use of the interrelated delivery model provides good flexibility for educating educable mentally retarded, behavior disordered and learning disabled students in regular education environments. Each system has in place a continuum of alternative placements for exceptional students manifesting different types of learning needs and levels of problem severity.

8. Who is providing the majority of educational services for handicapped children?

   a. special education teachers?
   b. regular classroom teachers?
   c. classroom aides?

The majority of educational services for handicapped children is provided by special education staff although many students with special needs spend a portion of their day in regular education classrooms.

9. What handicapping conditions have been the most difficult to successfully "mainstream" into the regular classroom?

Children with more severe handicaps and those with serious emotional problems are the most difficult to mainstream. This is especially true in rural areas where the incidence of severe handicaps is such that the establishment of educational centers has been undertaken on a multi-system basis. Children receiving instruction in homebound, hospital, institutional, or State residential settings are often in isolation from their now handicapped peers.

10. How would you respond to the concern that some handicapped children are being "dumped" into regular classrooms and thus are receiving fewer educational services than would be provided in self-contained classes or residential settings?

The key to successful mainstreaming of handicapped students is adequate staff development and coordination to provide the necessary support to the receiving regular education teacher. The situation in Georgia is perhaps not as acute as in other states because of rather intensive efforts already underway to assist regular educators in identification and programming for the handicapped. The State has had in effect for a number of years mandatory legislation requiring regular classroom teachers, principals, and guidance counselors to successfully complete coursework or in-service training in working with exceptional children. A number of staff development activities are routinely provided to regular educators for the purpose of informing them of due process procedures, providing training in IEP design and implementation, and coordinating services with the special education staff.

With reference to the question regarding fewer educational services to be provided in the regular education program, we are convinced that the social benefits to be derived from placement with non-handicapped students far outweigh the advantages of isolated placement in separate educational facilities or settings.

11. What follow-up procedures do the school districts use to keep track of the educational progress of a handicapped child once placement has occurred?

As stipulated in P.L. 94-142, each handicapped child's IEP is subject to annual review or revision when indicated. Local systems are required to conduct periodic reviews of IEP's and to involve parents in the review process. Monitoring and program evaluation procedures at the State level seek to insure compliance with this requirement. The State also has in effect a regulation requiring that each handicapped child enrolled in a special education class for a period of three years must undergo a comprehensive evaluation including the same assessment criteria as was used to determine initial placement. Results of this re-evaluation are then used to make determinations as to need for continued placement or other services not being provided.

12. A 1979 report by the HEW Inspector General found in school districts surveyed that "...special education programs were weak at the junior high and high school levels."

    a. In your judgement, how does this finding relate to the secondary curriculum in your school districts?

    b. What types of vocational education programs do you have to enable non-college bound handicapped students to become employable members of the labor force?

There is no question that special education services at the secondary level need strengthening. We have made much progress in this area in recent years; however, there is a continuing need for more comprehensive services, particularly vocational and pre-vocational services, to meet the needs of all handicapped students. There is a particular need to expand programs in speech and language pathology and behavior disorders at the senior high school level.

Georgia has in existence a number of pre-vocational and vocational programs in secondary schools designed to provide special instruction and preparation for the world of work for the handicapped. Noteworthy are the State's Related Vocational Instruction (RVI) Program which represents a cooperative effort of the Departments of Education and Vocational Rehabilitation and Project ACCESS (a federally funded project designed to deliver career education to secondary students via a community/school-based model). Both projects provide a full spectrum of services for varying exceptionalities and degrees of security.

Further efforts are underway in the State to develop procedures for meeting newly established State competency-based high school graduation requirements for exceptional students. Training has been provided to LEA's as to methods of incorporating the 20 required competencies into individualized education programs.

13. Is each Individualized Education Program unique, or is there a "master" IEP form which teachers, principals and other participants are encouraged to use?

While the State has developed and disseminated sample forms and formats for IEP's, LEA's are cautioned not to attempt to use these forms exclusively if they are found not to adequately address needs of individual children. LEA's are encouraged to use the State forms where appropriate, to make adjustments to meet local needs, and to assure that the basic required content of the IEP as described in State and federal regulations, is included.

14. What follow-up procedures are used to ensure that the goals and objectives of the IEP are actually being carried out in the classroom?

Coordination and development of the IEP are generally handled in individual school plants and involve receiving teachers from both special and regular education. A coordinator is designated for the development and review of the IEP and it is the role of this individual to assure that responsibility for specific goals and objectives is clearly assigned and understood by implementers and that each implementer has a role in the development of the IEP and its periodic review.

15. After a handicapped student is identified, what is the average amount of time required to prepare the IEP and place the child in an appropriate setting?

Within 30 days of determination of program eligibility, the IEP is developed and placement is effected. This is a federal and State requirement which is generally met by LEA's according to compliance reviews.

16. What sort of certification do handicapped children receive upon the completion of their "secondary" studies: a regular diploma? special certificate?

State regulations provide that there be no distinction in the type of diploma received by exceptional students successfully completing high school. This rule is observed by each LEA.

17. How is your State actually using their federal dollars for the education of the handicapped?

Federal dollars are being used primarily by LEA's to provide special education and related services to first priority children: i.e., the most severely handicapped within each exceptionality area who are unserved or inappropriately served; for those students in or out of school who are unserved and inappropriately served, for funding special projects and for State administration.

18. How does your State actually finance the local school district spending for the education of the handicapped (i.e., via reimbursement, forward funding, letters of credit, etc.)?

State funds are earned by local school systems on the basis of the number of handicapped students identified as such and having on file a complete IEP. The State provides reimbursement to systems for teacher salaries, special education leadership staff, support services, maintenance and operation, pupil transportation, and other costs. Funding and allocations of special education units are automatically earned on a pupil teacher ratio of 1:22 and a leadership ratio of 1:40 with a maximum service level of 15 percent average daily attendance (ADA). All special education funds are excess costs provided in addition to the exceptional pupil's earning on regular ADA for students spending one-half day or less in special education placements.

19. To what degree is your State and local school districts spending their 94-142 dollars to purchase (1) "educational services"? (2) "related services"?

All 94-142 funds are utilized for educational and related services.

20. Is your State IEP requirement different from that of 94-142? Do the regulations on the State and federal level differ?

Minimum State IEP requirements are adopted in total from federal statutory requirements. However, the State Plan provides implementation procedures beyond those included in federal regulations.

21. What role is the IEP requirement playing in the contract negotiations between teachers and school districts? For example, are teachers demanding release time for the preparation of the IEP, etc.?

To date, the State is unaware of any instances where contract negotiations have been impacted by IEP requirements. The Department of Education, in cooperation with the Georgia Association of Educators, conducted a series of workshops for regular educators last school year which focused on IEP requirements, strategies for participation and implementation by classroom teachers. During some of the discussions, release time surfaced as a potential problem but no further concern has been expressed to the Department by classroom teachers.

22. In general, how do your State laws and regulations for the education of the handicapped differ from the federal requirements? What are the major areas of State-federal conflict?

In large measure, Georgia laws are consistent with federal statutes and regulations. The major differences are in terms of age levels to be served and state/local appeals procedures for due process hearings.

23. How many due process cases have your State and local educational agencies handled during the last year?

During FY 79, a total of 28 due process hearing requests were filed with LEA's. Seven of this number were reported to have been mediated prior to scheduled hearing dates. Twenty-one (21) resulted in due process hearings. Five of this number were appealed for review by the State Board of Education and three to civil courts.

24. What form do the due process hearings take (i.e., are your State laws and regulations different from that of the federal law)?

Due process hearings are conducted on request of either party by an impartial hearing officer trained by the State Department of Education, approved for service by the State Board of Education, and appointed in individual cases by local boards of education. Hearing officers render recommendations to local boards of education who, in turn, make final decisions. In the event there is disagreement on the part of local boards of education as to the hearing recommendation, appeal for State Board review is automatic. Parents have a right to appeal the local board's decision for State Board review.

## ASSESSING CHILD GROWTH OVERVIEW

### Introduction

A model assessment plan for kindergarten in Georgia is outlined in this chapter. "Model" implies that this chapter is a guide to teachers and other personnel in school systems. The model does not dictate how a teacher or school system should conduct assessment, but rather, it intends to help kindergarten teachers and school systems evaluate their assessment plans. The chapter contains recommendations if revisions are necessary. The term assessment, as used in this document, involves two components – screening and on-going evaluation of student progress. Each component uses different instruments and recommends different procedures. The purpose and target population for each component is given in Table 7.

TABLE 7

A Comparison of Assessment Components in the Model Assessment Plan

| | Screening | On-going Evaluation |
|---|---|---|
| Purpose | To provide quick and reasonably accurate information on developmental and medical history.<br>To identify children who need comprehensive diagnostic evaluation. | To provide accurate on-going information on the degree to which each child is mastering program goals, for the purpose of planning individualized educational activities. |
| Population | All children in a school district who are eligible by age criteria for kindergarten. | All children in the kindergarten program. |
| When | Prior to school entry. | Continuously in an educational program. |

In each section of this chapter the following format is used.

- A flow chart illustrating the component
- Criteria to evaluate current procedures
- Recommended procedures
- Criteria to evaluate currently used instruments
- Recommended instruments

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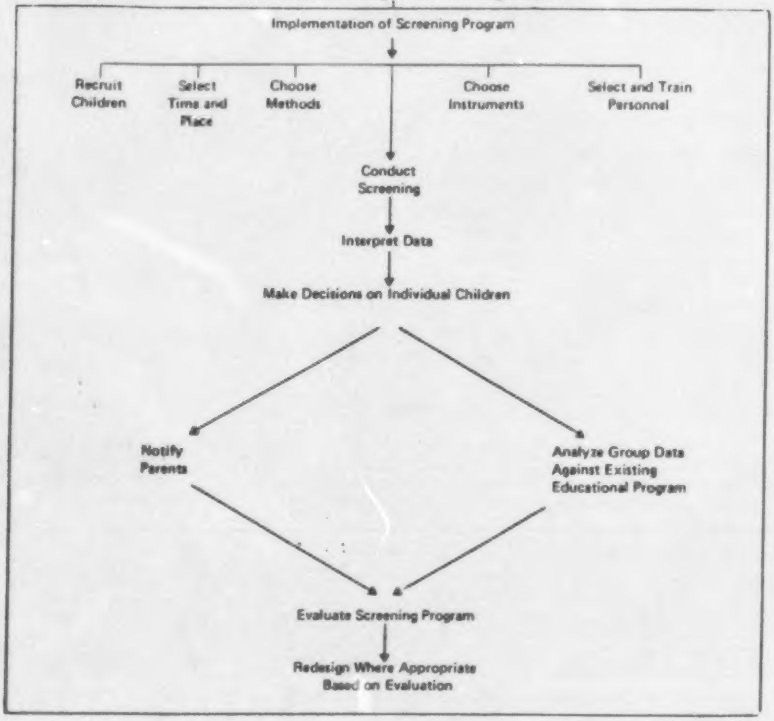
Flowchart of Kindergarten Screening Program


Implementation of Screening Program
Recruit Children
Select Time and Place
Choose Methods
Choose Instruments
Select and Train Personnel
Conduct Screening
Interpret Data
Make Decisions on Individual Children
Notify Parents
Analyze Group Data Against Existing Educational Program
Evaluate Screening Program
Redesign Where Appropriate Based on Evaluation

**Introduction**

The purpose of kindergarten screening in Georgia is to identify children who need comprehensive diagnostic evaluations. This screening will typically occur in the spring to identify the kindergarten population for the next school year.

**Criteria for Evaluating Screening Procedures**

- Do personnel in the district understand the purpose of screening as defined in this document?
- Are screening data being misused (e.g., labeling, diagnosis or planning individual educational objectives)?
- Does the person directing screening have the necessary time and experience?
- Are most eligible children screened?
- Are recruitment procedures simple and systematic?

- Do parents have easy access to screening times and locations?
- Are screening locations adequately staffed?
- Are testers adequately trained?
- Are children screened for developmental problems in all areas — intellectual, physical, affective, vision and hearing?
- Are decisions made about the results of screening in an objective and reliable manner?
- Are parents notified of results promptly?
- Does the school district systematically evaluate its screening efforts to improve them?

**Recommended Screening Procedures**

The following procedures are listed in chronological order.

1. Choose director.

   The director(s) should possess or have access to persons who possess
   - expertise in the areas of measurement, instrument selection, instrument data interpretation and instrument administration, as these topics relate to the screening of young children.
   - familiarity with the community and its resources such as parent or church groups.
   - the ability to communicate effectively with parents.
   - familiarity with referral and diagnostic services and procedures.

2. Evaluate and select instrument(s).
   - Currently used instruments should be evaluated and either retained or replaced by recommended instruments.

3. Recruit children.
   - Use media announcements, posters and letters to parents. All recruitment information should be positive in tone. Do not use such phrases as "screening for handicaps." (See Appendix C for examples.)

4. Select times and places.
   - If possible, have parents make screening appointments. Otherwise, devise some system to avoid long waiting times for parents and children.
   - Provide transportation if needed. Use PTA or other community service groups.
   - Choose locations convenient to all areas of a district.

5. Select and train personnel.
   - Personnel should have experience working with young children.
   - All personnel should be adequately trained.
   - Each screening location should always have on site a person trained in assessment, such as a speech therapist, psychometrist or psychologist.

6. Plan method.
   - The purpose and possible outcomes of the screening should be clearly explained to the parent(s).
   - Children should be encouraged but not forced to separate from their parents.

7. Interpret screening data.
   - After a child has been screened, one of three decisions should be made on each child.
     - (1) The screening results should stand.
     - (2) The child should be rescreened. This is done if specified by an instrument's procedure manual, or if there are serious questions about the screening's validity for a particular child and the

circumstances are felt to be transitory.

(3) The screening results should stand, and the child should be referred for further assessment and diagnosis. If complete diagnostic evaluation is indicated, existing district policies and procedures should be followed.

- When screening is complete, all children screened should be assessed using a common and objective operational definition of greatest developmental need.
- All parents should be notified of the results of the screening.

8. Follow-up.

- After a district has screened children, the group's data should be reviewed. These children will soon be of mandatory school age and screening data can help in projecting future enrollment and educational needs.
- A post evaluation of screening procedures should make recommendations for change. Parents, screeners and teachers should be among the persons evaluating the screening program.

**Criteria for Evaluating Instruments**

Instruments recommended in this document for screening have met the criteria to be presented. A school district should either adopt one of the suggested instruments or be assured that other instruments being used meet the criteria. A rationale for each of the criteria is included in Appendix A.

**Administrative Characteristics** – The following questions related to test administration should be considered.

- Can the instrument be administered by a paraprofessional with relatively little training?
- Can the instrument be administered in a relatively short time?
- Can the instrument be administered in a nonisolated setting?
- Are the administration procedures standardized?
- Does the instrument require a simple response mode such as pointing or short verbal responses?
- Can the instrument be simply and manually scored in a short amount of time?

**Instrument Relevance** – The following questions related to instrument relevance should be considered.

- Does the instrument measure development of either affective, physical or intellectual domains (or in combination) in a way relevant to program goals?
- Does the total set of instruments screen all intellectual, physical, affective, vision and hearing areas?
- Is the instrument appropriate for four- and five-year-olds of different backgrounds and characteristics?

**Technical Properties** – The following questions related to the technical aspects of tests should be considered.

- Does the instrument yield a score that can be used in ranking children?
- Can the instrument be scored objectively?
- Does the instrument have high test-retest reliability?
- Does the instrument have high validity in its ability to predict the need for further diagnosis?

**Recommended Instruments for Screening**

Each of the following instruments meets the criteria listed in this document for screening instruments. Approximately 60 instruments were reviewed. See Appendix B for a list of the instruments reviewed.

## Developmental Indicators for the Assessment of Learning (DIAL)

Carol D. Mardell and Dorothy Goldenburg

*Childcraft Education Corp.*
*20 Kilmer Rd.*
*Edison, N. J. 08817*

*Kit: $125.00 for all materials for testing 50 children. Cost reduces after initial purchase to $.10/child for materials. Purchase includes a training filmstrip.*

**General Concepts** – The DIAL is designed to be used for identifying children with potential learning problems. This prekindergarten screening test assesses development in the areas of gross motor, fine motor, concepts, communications and social-emotional development. Scores are established so that the use of DIAL will result in 10 to 15 percent of children screened being referred for further diagnosis. Percentages may be higher for Georgia's kindergarten population.

**Age Range** – 2½ to 5½ years

**Time Required** – The test is untimed. The authors claim it takes 25 to 30 minutes per child to administer all four subtests. When using four stations for the subtests, six to eight children can be examined per hour. This takes into account three to four children taking different subtests at the assigned stations simultaneously.

**Conditions of Administration** – Although the subtests are administered individually, the manual explicitly describes how the screening of many children may be conducted using a station approach. The manual provides detailed information regarding procedures and staffing (team member responsibilities, physical facilities, floor plans, orientation and the use of parents). Training of each team member for two to four hours is essential for a uniform and valid assessment.

**Standardization, Reliability and Validity** – The DIAL was standardized on 4,356 children. A stratified sample was drawn in the state of Illinois to assure appropriate representation of children on the basis of sex, region, race and socio-economic status. The manual indicates that a balanced population was selected.

A sample of 520 children was used to evaluate test-retest reliability. Although the procedure used by the authors is somewhat ambiguous, and reliability coefficients are not reported, the authors state that high reliability was obtained after readministration of the instrument in one year. Inter-rater reliability is also reported as being high (.81 to .99). A sample of 16 individuals was used in the inter-rater reliability study.

To verify the concurrent validity of the DIAL, a sample of 12 children was selected and tested with the DIAL. Following administration of the test, a diagnostic team of pupil personnel services evaluated the same 12 children. Results of this study yielded 85.3 percent agreement between the DIAL scores and diagnostic evaluation data.

Criterion related validity was established by comparing readiness or achievement test scores, DIAL scores and teacher ratings. The sample consisted of 85 kindergarten and 163 first graders. Data were collected from the Iowa Test of Basic Skills, Metropolitan Achievement Test, Metropolitan Readiness Test and Stanford Achievement Test. Correlations between DIAL categories and achievement scores ranged from .49 to .73.*

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*NOTE: Further information is available on DIAL from the Georgia Department of Education.

**Comprehensive Identification Process (CIP)**
R. Reid Zehrbach

*Scholastic Testing Service, Inc.*
*480 Meyer Rd.*
*Bensonville, Ill. 60106*

*Kit: $59.95 including enough material to screen 35 students. Cost reduces after initial purchase.*

**General Concept** – The CIP is designed for locating, screening and evaluating handicapped children. The CIP process, according to the author, results in the identification of more children with mild to moderate problems that would be identified through the traditional agency referral method. Scores are established so that the use of the CIP will result in 10 to 15 percent of children screened being referred for further diagnosis. Percentages may be higher for Georgia's kindergarten population.

CIP screens fine motor, gross motor, cognitive-verbal, speech, expressive language, hearing, vision, socio-affective behavior and medical history.

**Age Range** – 2½ to 5½ years of age

**Time Required** – No portion of the test is timed. The manual suggests that 30 minutes be allocated for the entire screening assessment. Six to eight children per hour can be examined in stations.

**Conditions of Administration** – Although CIP may be individually administered, it is designed to be given at a central location using a team approach. Team members can be trained to use the CIP in four to six hours. The author suggests that the individual interviewing the child be experienced in child development. Scoring and administration procedures are standardized. During the time the child is participating in the screening evaluation, the parents are interviewed concerning the child's medical and developmental history. The CIP is currently being translated into Spanish and may also be available in French shortly.

**Standardization, Reliability and Validity** – The CIP has been developed and evaluated on an Illinois population of over 700 children. The author states that the sample was cross-cultural, comprised of white, black and Asian children. A description of this sample is not reported. Reliability coefficients were also unreported although the author states that inter-rater reliability is quite good.

To evaluate whether or not the CIP results provide accurate judgments for student referral, a sample of children was administered the test. The children identified as needing a complete work-up were evaluated by traditional referral agencies or personnel, social workers, physicians, speech and language therapists and school psychologists. A comparison was made between the characteristics of children referred by the CIP and the traditional mode of identification. There were no significant differences between the mean age of the groups or sex in regards to the two methods of identification. It was determined that I.Q. differences existed between the two groups and children referred by the traditional method seemed to be more severely handicapped than those referred by CIP.*

**Denver Developmental Screening Test**
William K. Frankenburg, Josiah B. Dodds, Alma Fandel

*University of Colorado Medical Center*
*Laradon Hall Publishing Company*
*East 51st Ave. and Lincoln*
*Denver, Co.*

*Kit: $7.00 for complete kit; test forms $2.00/100; manual $4.00*

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*NOTE: Further information is available on CIP from the Georgia Department of Education.

**General Concepts** – The Denver Developmental Screening Test is designed to aid in the early discovery of children with developmental problems in the areas of personal social, fine motor adaptive, language and gross motor.

**Age Range** – one month to six years of age

**Time Required** – No portion of the Denver Developmental Screening Test is timed. It appears that two to three children can be tested per hour.

**Conditions of Administration** – This individually administered screen can be used by paraprofessionals with adequate supervision. The manual provides explicit instructions for administering and scoring the instrument.

Because a socio-affective evaluation component built into the instrument requires parental information, parents must respond to items in the first section.

Suggested order for administering the subtests is Personal, Social, Fine Motor, Adaptive, Language and Gross Motor.

**Standardization, Reliability and Validity** – A sample of 1,036 children from Denver ranging in age from two weeks to six years, served in the developmental studies. The degree to which this sample represents Georgia's population is unknown.

Percentages of agreement have ranged from 80 to 95 percent for inter-rater reliability. Twenty children were retested after a one week interval in the test-retest reliability study. Agreement of items scored the same way after that interval for the children was 95.8 percent.

In a concurrent validity study, DDST scores were compared to Stanford-Binet or Revised Bayley Infant Scales scores. Scores were similar, indicating that the DDST would result in referrals similar to referrals from instruments used by traditional referral agencies.*

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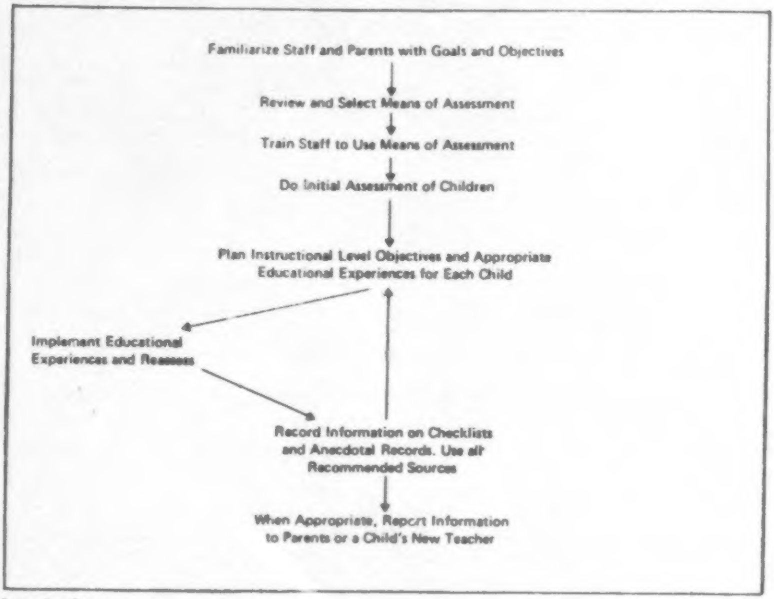
*NOTE: Further information is available on the DDST from the Georgia Department of Education.

## ASSESSING CHILD GROWTH ON-GOING EVALUATION

**Flowchart of Kindergarten On-Going Evaluation Component**


Familiarize Staff and Parents with Goals and Objectives
Review and Select Means of Assessment
Train Staff to Use Means of Assessment
Do Initial Assessment of Children
Plan Instructional Level Objectives and Appropriate Educational Experiences for Each Child
Implement Educational Experiences and Reassess
Record Information on Checklists and Anecdotal Records. Use all Recommended Sources
When Appropriate, Report Information to Parents or a Child's New Teacher

### Introduction

On-going evaluation of pupil progress gathers information so that an appropriate individualized educational program can be developed for each child. On-going evaluation rests on several assumptions.

- Development is aided when a child's needs are accurately assessed and experiences are planned which are related to those needs.
- Children's differences will be reflected in their educational needs.
- A teacher has the desire and skills to design educational experiences that meet assessed need.
- The teacher has the time and materials necessary to design educational experiences that meet assessed needs.

This section addresses only the first assumption. The other assumptions are listed to make three points.

- There is nothing magical about gathering assessment data. How that data is used makes a difference.
- Time for planning and assessment, materials and teacher expertise is necessary to use assessment data effectively.
- No teacher can constantly keep up with every individual difference in children's development. As a result, teachers must be open to information that children give and should not treat evaluation data as being infallible.

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## Criteria for Evaluating On-going Evaluation Procedures

The procedures recommended for on-going evaluation in this document meet the criteria to be presented. A teacher should either use the procedures recommended here or be assured that other procedures being used meet the criteria.

- Do procedures involve gathering and recording on-going information on children in a systematic way?
- Do procedures involve gathering and recording information from all sources including observation, teacher-child conferences, parents, resource teachers, work samples and child-made records?
- Are times scheduled for each day that are devoted exclusively to gathering evaluation information?
- Are procedures established to systematically communicate objective information about a child's accomplishments to a child's parents or next teacher?

## Recommended On-going Evaluation Procedures

The following steps are listed in chronological order.

1. Familiarize staff and parents with the program's goals and objectives. Discuss the handbook with particular attention to understanding its structure and terms.
2. Review and select means of assessment.
3. Train staff to use means of assessment.
   - Discuss the means of gathering and recording information, using the variety of assessment techniques.
   - Discuss the terms used on more formal instruments and arrive at common understandings.
4. Do initial assessment of children.
   - Establish a system for gathering information so that no children are slighted. Perhaps focus on certain children each day.
   - Use procedures for gathering information that are consistent with the ways in which the children are taught. If the room is child-centered and informal, try to gather assessment data informally.
   - Assess in each area of the curriculum only until there is sufficient information to plan educational experiences, then perform the experiences and reassess.
   - Assess several situations before recording judgements.
   - Use a variety of assessment sources such as teacher observations, teacher-child conferences, information from resource personnel and parents, work samples of children and child made records. These sources are described following this listing of recommended procedures.
   - Be flexible and remember that evaluation data can be fallible.
   - Schedule about 15 minutes each day to do nothing but gather evaluation data.
5. Plan instructional level objectives and appropriate educational experiences for each child. See Organizing the Learning Environment for a discussion of planning appropriate activities for individual children.
6. Implement educational experiences and re-evaluate. See Organizing the Learning Environment for a discussion of implementing experiences.
7. Record information on checklists and anecdotal records.
   - Use all the recommended sources discussed in the next section.
   - After re-evaluation, begin planning again.
8. When appropriate, report information to a child's parent or new teacher. Report objective information about the child's highest level of functioning in each program area. See Appendix E for a possible reporting form with example comments.

**Sources Used in Gathering On-going Evaluation Data**

When establishing on-going evaluation procedures, all possible sources of information must be identified. There are many potential sources of on-going evaluation information open to the teacher. Since sources have different strengths and limitations, a teacher should try to use all sources.

**Teacher Observation of Child Behavior**—The most widely used source of on-going evaluation data is teacher and assistant teacher observation of children. For this to be productive, certain things must be remembered. Children tend to strongly react to immediate situations. For any complete picture of a child, she/he must be observed in many situations. Since it is necessary to observe children in different situations at different times, it is also necessary to write some of these observations down so that they can be accurately recalled. Although teachers often keep mental records, their accuracy is impossible to check. Teachers should keep anecdotal records of their observations. Record development related to program goals and indicative of a change in a child's status in relation to these goals. Also record when change has not occurred in a reasonable time.

Keep records objective and short. A person should be a selective tape or video recorder. A tape recorder doesn't record why things are happening. It only records what happened. Also, a good tape recorder is accurate. It does not record all children as running if one child gallops and the other child trots.

Below is an example of a functional anecdotal record.

RCG 9/28 9:41
SG/Math
R spoke 1st time with sentence

The record illustrates several things.

- **Child is identified** – RCG are initials. You know who that is and it is not necessary to write out a full name.
- **Section is identified** – SG/Math refers to small group/math activity. Patterns of behavior may be tied to particular settings.
- **Date and time are identified** – Patterns of behavior may be tied to particular days and times.
- **The behavior is objectively stated** – Behavior should relate to program goals.
- **The record is short and uses some form of shorthand** – These records must be short or they take too long to do. Remember, they are for planning instruction and should be meaningful to the teacher, not necessarily written in perfect prose.

**Teacher-child Conferences** – These can range in size from large group to individual. Classroom observation does not permit much probing to allow one to find out the reasons behind behavior. In the conference situation, the teacher can ask well chosen questions to try to understand a child's motivation and reasons behind overt behavior. For example, if a child is doing a workjob matching numbers to their appropriate dominos, it is one thing to observe that a child places the card with the two on it next to the domino that has three dots. Only in dialogue can a teacher begin to identify the cause of the mismatch (e.g., not recognizing two, not counting the dots, carelessness due to wanting to be finished to go outside). Again teachers should write anecdotal records of significant information gained in conferences. Holding successful conferences is a complex skill for a teacher to acquire. Several things are important. First, do not ask leading questions (e.g., Did you just forget to count the dots? The answer will usually be yes.) Second, do not talk too much, the purpose of conferences is usually to get the child to talk. Third, summarize and clarify points raised during the conference. This helps the teacher and the child to be clear on what has been discussed in the conference and what, if any, subsequent action is necessary.

A second thing which conferences add to assessment is that conferences are a teaching situation for helping children build self-assessment skills. The ability to analyze what has gone on so that future

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plans can be made is a goal of all education. In the conference setting, the teacher has the opportunity to model and teach this skill. After a conference, anecdotal notes should be made concerning discussion.

**Information from Resource Personnel and Parents** – Parents or guardians have greater contact with a child than teacher. In many districts, resource teachers (e.g., music teachers, speech therapists) also have extensive contact with certain children. Since these people see and affect the child in many situations where the teacher is not involved, it is important to involve them in the assessment process. For parents and resource teachers to be helpful in on-going evaluation, they must be familiar with the kindergarten's goals and with an up-to-date knowledge of a child's status in relation to these goals. If this is not the case, then parents and resource personnel will not know what to look for. Information coming from parents and resource teachers provides a valuable check on a teacher's assessment information and, conversely, a teacher's information provides a valuable check on other evaluations of the child. Gathering information from parents and resource teachers on a regular basis helps them to understand and to affect the kindergarten program. If parent-teacher interactions can occur on a regular basis, a foundation of "we're all in this together" can be laid upon which crises can be effectively handled. Anecdotal notes should be kept on significant information gained in conferences with other adults in the child's life.

**Work Samples of the Children** – Work samples most graphically describe a child's stage of development. However, work samples are observations of behavior and as such, it is difficult to know the motives and reasons that went into creating them. Second, most kindergarten work is oriented toward process rather than product; therefore, many kindergarten activities do not culminate in durable samples of work. Some samples such as selected pieces of artwork can provide a good record of fine motor development. Since children often want to take such items home, it is usually necessary to ask the child to "make an extra picture that I can keep." The picture, or any work sample that is being saved, should be dated, with anecdotal comments recorded on the sample.

**Child-made records** – Kindergarten children keep records when they check their names on a center roster to indicate they visited the center or when they place pegs in a board to indicate that they visited the yellow center (which may be art to you). Teachers should involve children in record keeping. It will help both the teacher and child to monitor behavior.

**Other Assessment Instruments** – Another potential source of on-going evaluation is the screening administered at the beginning of a year. This source should not be relied on in any definitive way for on-going evaluation. The time lag between screening and school is too long to have an accurate record of a child's specific strengths and weaknesses. Also, the items on the screen are often developed because they predict problems, not because they are important things to teach.

In summary, these are a variety of sources that a teacher should consider in gathering on-going evaluation data. Each source, with the exception of instruments designed for other assessment components, adds a significantly different and valuable dimension to the on-going evaluation process. This system is incomplete if any of the sources are omitted.

### Criteria for Evaluating On-going Evaluation Instruments

The child assessment checklists included in this document meet the criteria to be presented. A teacher should either adopt these checklists or be assured that other instruments being used meet the criteria.

**Administrative Charactsristics** – The following criteria related to administrative relevance should be considered.

- **Can the instrument be used by a paraprofessional in a classroom setting?** Many kindergarten units use either paid paraprofessionals or volunteers in the classroom. The items on any instrument and procedures for gathering information should be sufficiently clear so that nonprofessional personnel can use the instruments. The teacher and other adults must discuss the items on a checklist so that they are making similar judgments, based upon similar criteria.

- **Can the instrument be simply scored in a short amount of time?** While it may take considerable time to gather observational information on a child, the actual recording of that information must take very little time.

**Relevance** – The following criterion related to instrument relevance should be considered.

- **Does the instrument directly reflect the program and objectives?** Since the purpose of on-going evaluation is to gather information for developing individualized educational program, instruments must be directly tied to the program's goals.

**Technical Properties** – The following criteria related to the technical aspects of instruments should be considered.

- **Does the instrument present a picture that indicates level of mastery of program objectives?** Such information aids in identifying a child's weaknesses and in forming groups for instruction.
- **Can the instrument be objectively scored?** On any instrument used in on-going evaluation, some ambiguity is going to exist as to what behavior constitutes what score (e.g., what constitutes accomplished in a particular area). Such items as "child knows his colors" are unacceptable. Beyond this, teachers and assistants will have to extensively discuss items to develop consistency and objectivity.
- **Are items on the instrument sequenced by developmental level or difficulty?** Whenever possible, items should be sequenced within each goal by difficulty. Then assessment does not need to cover all items but can stop when the level is reached at which a child has difficulty.

**Recommended Child Assessment Checklists for On-going Evaluation**

Each checklist included in the previous chapters meet the criteria listed for on-going evaluation instruments.

**Instructions** – An indicator is a child behavior which signals mastery of an intermediate level objective. Indicators should be thought of as signals of development rather than as objectives. These checklists are designed to be used with the lists of intermediate level objectives given earlier in this document. To make these checklists efficient, only a few indicators are listed for each area, representing intermediate range objectives at increasing levels of difficulty. When used with the curriculum suggestions previously presented, these checklists will provide sufficient information for grouping and planning individualized activities. When a child has demonstrated a behavior, the date is noted on the checklist. (See the example of completed Physical Development Checklist.) If children, in a particular room, are above or below the indicators on any of the checklists, then the teacher should adjust the indicators accordingly. In such a situation, the format of the checklists can remain the same with new indicators inserted.

## EXAMPLE OF COMPETED CHILD ASSESSMENT CHECKLIST FOR THE PHYSICAL DOMAIN

| Goal | Areas | Indicators / Child's Name | 1. | 2. | 3. | 4. |
|---|---|---|---|---|---|---|
| Gross Motor | Static Balance | Balances on foot with support | 9/13 | | | |
| | | Balances on foot without support | 10/15 | 9/13 | | |
| | | Moves rapidly, then freezes | | | | |
| | Dynamic Balance | Runs smoothly | 9/13 | | | |
| | | Skips | | 9/10 | | |
| | | Walks Balance Beam Unsupported | | | | |
| | Coordination | Rides wheel toys | 9/20 | | | |
| | | Builds with large blocks | 11/12 | 11/13 | | |
| | | Kicks rolled ball | | | | |
| Fine Motor | Agility and Endurance | Hops 15 feet | 11/15 | 11/9 | | |
| | | Climbs cargo net | | | | |
| | | Runs 50 yards with quick recovery | | | | |
| | Arm/Hand Precision | Builds with blocks | 11/12 | 11/18 | | |
| | | Nails objects together | | | | |
| | Hand/Finger Dexterity | Strings large beads | 10/20 | 9/19 | | |
| | | Cuts with scissors | | | | |
| | | Cuts on line with scissors | | | | |

*NOTE: Dates are included on this checklist to illustrate the recording procedure. When a child evidences a behavior, the date is indicated. This is one recording procedure; use another if it is more helpful to you.*

[illegible] 11 31

STATE OF GEORGIA
DEPARTMENT OF EDUCATION
OFFICE OF INSTRUCTIONAL SERVICES
STATE OFFICE BUILDING
ATLANTA 30334

CHARLES McDANIEL
State Superintendent of Schools

LUCILLE G. JORDAN
Associate State Superintendent

COMMITTEE ON
HUMAN RESOURCES
1979 NOV 30 PM 4:42

November 26, 1979

Honorable Harrison A. Williams, Jr.
Member, United States Senate
4230 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Williams:

I appreciate very much the opportunity to testify before the Subcommittee on the Handicapped concerning implementation of P.L. 94-142. Enclosed is my response to your questions of October 25, 1979.

Your careful study and evaluation of the implications of this law are appreciated.

Sincerely,

Allan W. Gurley

Allan W. Gurley, Director
Division of Special Programs

AWG:bgw
Enclosure
cc: Dr. Charles McDaniel
Dr. Lucille G. Jordan
Dr. Arthur E. Bilyeu

## SEA QUESTIONS

1. Have you experienced funding delays? How much time elapsed between the submission of your APP (Annual Program Plan) and its approval? What were the reasons given for the delays?

The Annual Program Plan was submitted within appropriate timeframes for approval by the Bureau of Education for the Handicapped, U.S. Office of Education. The key factor in the delay was a conflict between State and federal statutes resulting in much negotiation with regard to the State's due process hearing procedures. The negotiations lasted approximately three months, and well into the current school year.

2. Break down your P.L. 94-142 dollars in terms of the following services:
   (a) Related services (Please list the related services that are offered and the cost per year of each.)
   (b) Direct services

79 percent ($15,891,891) of P.L. 94-142 funds direct to LEA's
16 percent ($3,218,611) discretionary (64 percent of which is direct and 36 percent for State and regional support)

| Direct | | Regional | |
|---|---|---|---|
| Ga. Center for MH | $ 180,000 | GLRS | $1,500,000 |
| Services to Blind | 32,325 | Advisory Panel | 20,000 |
| Adolescent SED | 1,500,000 | Hearing Officers | 50,000 |
| Special Grants | 361,286 | Child Serve | 575,000 |

3. Do you provide year-round education for those handicapped children, for whom it has been determined there exists the need for continuous educational services? If the answer is yes, does it apply statewide (rural, urban, and suburban) or are they only offered by some LEA's? If the answer is no, are you at present formulating plans for the implementation of a twelve-month program?

Twelve-month programs are provided on a limited basis for students in Georgia. State schools for the deaf and the blind operate year round and programs for the emotionally disturbed have an enrichment component during summer months. However, by and large, the State does not provide educational programs on a 12-month basis for any children. In the event a 12-month program is written into the IEP, it becomes the responsibility of the local education agency to fund the program as indicated by the IEP. A case is currently under review in federal court concerning services for handicapped children on a 12-month basis.

4. (a) What percentage of your State's total handicapped student population are placed in residential or private schools and receive funds under P.L. 94-142?

(b) List the types of handicapped conditions served by such private or residential facilities?

(c) What is the total cost per year of providing services to the handicapped children in the private facilities?

(a) .001% -- 140 students ÷ December 1 count [95,196 (5-18 year olds) plus 5,046 (3-5 year olds)]

(b) Emotionally disturbed, deaf/blind, cerebral palsied, spina bifida, multi-handicapped (CP/B, MR/ED, MR/B, D/LD, etc.)

(c) Approximately one million dollars.

The cost for private school placement of handicapped children is approximately 2% of the total budget for Georgia including State, local and federal funds. This percentage would put the cost for private school education in excess of two million dollars annually.

5. What are the options and approaches utilized by your State Educational Agency in implementing the "least restrictive environment" provision mandated by P.L. 94-142?

A continuum of service delivery models provide the options and approaches utilized through the State's Program for Exceptional Children, Regulations and Procedures. They include the following: self-contained, modified self-contained, resource, itinerant, interrelated, crisis intervention, special day school, multi-system, residential and related vocational instruction programs.

The option "mainstreaming" is used within the State for those students whose IEP's indicate regular class involvement. The State has had in effect for a number of years mandatory legislation requiring regular classroom teachers, principals, and guidance counselors to successfully complete coursework or in-service training in working with exceptional children.

6. What current emphasis is being placed on programming for students at the secondary level?

Current emphasis is being placed on programming for students at the secondary level. We have made much progress in this area in recent years, however, there is a continuing need for more comprehensive services, particularly vocational and pre-vocational services to meet the needs of all handicapped students. Georgia has in existence a number of vocational and pre-vocational programs in secondary schools designed to provide special instruction and preparation for the world of work, including the Related Vocational Program (RVI). Cooperative agreements with Vocational Education and Vocational Rehabilitation have been developed.

6. (continued)

Further efforts are underway in the State to develop procedures for meeting newly established State competency-based high school graduation requirements for exceptional students. Training has been provided to LEA's as to methods of incorporating the 20 required competencies into individualized education programs.

7. Has there been a cooperative effort with other agencies to facilitate the handicapped student's transition into the labor market?

A cooperative agreement between the Department of Human Resources, Division of Vocational Rehabilitation and Department of Education, Office of Vocational Education and Division of Special Programs was executed in March, 1979. Guidelines to accompany this agreement were distributed to local school systems and other agencies involved in facilitating the handicapped student's transition into the labor market.

8. Would you favor an extension of the ages you are mandated to serve to include those children from 0 to 21?

The Program fur Exceptional Children favors the extension of age range to include the 0-21 population. Early intervention for handicapped infants and parent support services is important. However, Georgia State law presently mandates services for 5-18 year olds. Services for 0-4 and 19-21 remain permissive at this time. It is necessary to have both State and federal funding support in order to provide quality services for students 0-21.

9. How many due process hearings were held at the State level? What were the main issues? How many were resolved in favor of the child's advocate? Were any appealed in a civil action suit brought in either a State or U.S. District Court?

During FY 79, a total of 28 due process hearing requests were filed with LEA's. Seven of this number were reported to have been mediated prior to scheduled hearing dates. Twenty-one (21) resulted in due process hearings. Five of this number were appealed for review by the State Board of Education and three civil courts.

Complaints Filed - 28

Mediated Successfully - 7

Hearings Held - 21

Initial Decision - Parent 7
LEA 13

Appeals of Decision - 5

Decision of Appeal - Parent 0
LEA 5

9. (continued)

The majority of due process hearings held in Georgia have been issues of placement, particularly involving tuition for private schools; and issues of evaluation and the IEP process as it relates to placement. The hearings have dealt with every area of exceptionality with the majority involving children with severe and multi-handicaps particularly in the areas of the behavior disordered and emotionally disturbed.

10. Have you worked out any interagency agreement between various agencies at the State level for a sharing of responsibility as service providers?

Which agencies do you see as a priority focus in working out an interagency agreement? What are the major administrative and financial problems in working out interagency agreements?

If you have had success in this area, to what primary factors do you attribute your success?

The Georgia General Assembly adopted in 1974 an act creating the Coordinating Committee for Exceptional Individuals providing for representation from the Departments of Education and Human Resources. Legislation was later introduced in the 1978 session to expand the Committee to include representatives from the Department of Offender Rehabilitation. With the Act came a resolution in 1978 providing that a concerted effort be made over the ensuing 12 months to address the following issues:

(a) Adopt uniform practices and procedures regarding the release of confidential information to member agencies or their local units which are receiving clients being transferred from another member agency.

(b) Delineate the roles of the various member agencies and their local units with regard to handicapped individuals.

(c) Identify and resolve issues relative to operational overlap between member agencies.

(d) Develop procedures which promote cooperation and sharing of information among member agencies and their local units.

(e) Develop procedures designed to insure that each handicapped individual is provided adequate and appropriate services.

To this end, the Committee has held periodic sessions which have resulted in the development of the following cooperative agreements.

(a) Department of Human Resources, Division of Vocational Rehabilitation, Department of Education, Office of Vocational Education, and the Division of Special Programs -- the agreement is designed to coordinate vocational services to handicapped individuals and was executed in March 1979.

(b) Departments of Education and Human Resources -- this agreement was initiated by the Division of Special Programs, the Division of Mental Health and Mental Retardation and the Division of Youth Services. Executed in June 1979, this agreement supports cooperative relationships in the development, implementation and maintenance of day services for severely emotionally disturbed adolescents.

(c) Department of Offender Rehabilitation and Department of Education -- it seeks to coordinate services for handicapped individuals residing in State institutions administered by the Department of Offender Rehabilitation for whom the Education Department also has responsibilities. This agreement was developed in September 1979.

(d) Department of Education and Department of Human Resources -- signed in September 1979, this agreement addresses cooperation in providing appropriate programs for severely handicapped students and is an addendum to an agreement formerly entered into in October 1977.

(e) Departments of Education and Human Resources -- this agreement was initiated by the Division of Special Programs and Youth Services to provide cooperation in serving handicapped individuals confined to youth development centers administered by the Department of Human Resources. It was executed in September 1979.

Each of the above agreements seek to delineate responsibility which recognizes the importance of practical solutions which must be developed at local as well as State levels. All agreements have been distributed to local school systems and other agencies involved in serving the populations for whose benefit they were developed.

All agencies must work cooperatively to provide quality services to handicapped individuals. The major administration problems are apparent in local level interpretation and implementation of state agreement. The successes we have experienced are the result of the State initiated Interagency Committee.

11. What conflicts are there between federal and State laws and regulations regarding the education of handicapped children? Has there been any attempt by the State Legislature to resolve those conflicts?

In large measure, Georgia laws are consistent with federal statutes and regulations. The major differences are in terms of age levels to be served and state/local appeals procedures for due process hearings. During the 1980 Georgia General Assembly, S.B. 271 will be introduced. The purpose of this legislation will be to amend the existing state law for consistency with P.L. 94-142 appeals procedures for due process hearings.

12. What programs and procedures have been devised to bring your resource-deficient areas into compliance?

The Evaluation and Assessment staff provide direct on-site evaluation of local system programs with regard to P.L. 94-142 compliance. Program for Exceptional Children staff provide pre-monitoring and post-monitoring technical assistance to local education agencies in upgrading resource-deficient areas.

13. What percentage of special education teachers in the rural LEA's are licensed in special education by the State? What are your State requirements for a license in special education?

    All teachers must hold a valid teaching certificate in the State of Georgia. Special education teachers must be certified in the area of disability that they teach. Current figures of fully certified and probationary-in-field are not available at this time.

14. What do you perceive as the primary responsibility of the State advisory panel? What is the total number of panel members and the represented expertise reflected in the membership?

    Purpose of the State Advisory Panel is to advise the State on unmet needs, comment publicly on the Annual Program Plan and Regulations and Procedures regarding the education of handicapped and distribution of P.L. 94-142 funds.

    Membership: composed of 18 members who serve for a three-year term with one-third of the panel completing their term each year. It includes parents of handicapped children, handicapped consumers, members of the State Board of Education, State Legislature, directors of Cooperative Education Service Agencies, LEA superintendents, school principals, LEA special education directors, special project directors and teachers.

15. To what extent are your correctional institutions complying with the mandates of P.L. 94-142?

    Does the State Department of Education have an agreement with the State Department of Corrections regarding the P.L. 94-142 mandate? Are there open lines of communication between the two? Are adult as well as juvenile correctional institutions aware of special education programs and P.L. 94-142?

    The Department of Education, Human Resources (youth correctional programs), and Offender Rehabilitation (adult correctional programs) recently initiated cooperative agreements to serve individuals residing in youth development centers and other State institutions. However, at the present time, minimal

16. What are the priorities you feel BEH should set for the coming years? Please list those that you feel would be of the most benefit to your particular state.

    (a) Clarification of due process procedures
    (b) Cooperative agreements on a national level
    (c) Refinement of definitions; such as, appropriate education, related services, and least restrictive environment
    (d) Full funding

Senator **Randolph**. Thank you very much, Dr. Gurley.

I notice that in your testimony you spoke of services that had previously been provided but now, because of this special education emphasis on the handicapped, that have ceased. Am I correct about this?

Dr. **Gurley**. That is correct. We are receiving requests that everything is education. This puts the full burden on the State educational agency to provide those services without any transfer of funds.

Senator **Randolph**. You are satisfied with the situation now within your State with regard to the funding?

Dr. **Gurley**. We would like to see the authorization level of 94-142.

Senator **Randolph**. Yes.

Dr. **Gurley**. We are making tremendous progress in Georgia. We believe in Public Law 94-142 very strongly. We passed legislation, as I mentioned, in 1968 in Georgia saying the same thing.

These three issues are the issues that are creating more problems for us. We encourage mediation as the first step in resolving conflicts rather than a hearing. I had a parent call me a few days ago that had paid a lawyer $1,000 to talk to the board attorney in order to get this child placed in school. It was absolutely unnecessary.

Senator **Randolph**. Spent $1,000 for attorney fees?

Dr. **Gurley**. Yes, sir. It was absolutely unnecessary. He panicked when he enrolled his 6-year-old gifted child that was a paraplegic, and when the school district asked him to come back, he was advised to get an attorney. The attorney made a big case out of it. It cost him $1,000. All he had to do was make one phone call. Members of our staff could have clarified his issue.

We feel that the legal profession is infringing upon the intents of the hearing process. I have received calls from lawyers stating that they will accompany the parent to any conversation between the parent and the school personnel. This creates adversary relationships and it is our feeling that that was not the intent of the law. We should resolve these problems in the same manner we resolve other problems. We believe in due process, that is for sure. However, a hearing should be a last resort to resolving the problem.

Senator **Randolph**. In West Virginia it cost no money with reference to the case that we heard from Mrs. Mossman.

Dr. **Gurley** I understand. We have a legal society and aid also. However, this particular parent simply contacted a private law firm at their own initiative.

Senator **Randolph**. You said the parent or parents panicked?

Dr. **Gurley**. Yes.

Senator **Randolph**. That is understandable to a degree. But it is too bad that that has to happen for whatever reason, when another mechanism is there. If it was to be used. Is that correct?

Dr. **Gurley**. That is correct. However, we believe——

Senator **Randolph**. Is there a way that you can perhaps get that known better? I am not certain that you have to go out as a PR program, but is there some way to get the necessary information to parents?

Dr. GURLEY. We are conducting numerous parent workshops. We plan to do so this year. I think, though, that there is a trend moving in that direction for some parents that can afford or may not be able to afford an attorney and it bothers us that an adversary relationship begins between the parent and the school district.

Senator RANDOLPH. And that is harmful?

Dr. GURLEY. That is very harmful. When you walk in with your lawyer, you immediately establish that adversary relationship.

Senator RANDOLPH. I agree with you on that point.

Dr. GURLEY. That is why we are strongly urging that Congress would require mediation to resolve the differences. It is permissive now in the regulations, it is not a requirement, and we feel like it should be a requirement.

Senator RANDOLPH. That is important for us as our hearing process moves into the later weeks of the fall. This testimony of yours is very practical and very helpful. We will have some questions by mail, if that is agreeable, for you to respond to.

Dr. GURLEY. Yes, sir.

Senator RANDOLPH. Thank you very much, Dr. Gurley.

I only want to add this, that you were forwardlooking in Georgia.

Dr. GURLEY. Forward, pardon?

Senator RANDOLPH. In Georgia you were forwardlooking, you passed a law in 1968, is that the year you said?

Dr. GURLEY. 1968.

Senator RANDOLPH. I think it is very, very important that there be this awareness and eagerness to move forward when the challenge is present.

Dr. Smith, you are going to help me with this summary. That button up there says we are in session.

Dr. SMITH. I concur with Dr. Gurley and the parent-citizens that have addressed this committee this morning and want to relate to you that Louisiana, through its State law for the handicapped, provides handicapped opportunities for children zero to age 21, and I believe we met most of the mandates for that.

I have with me today as a personal privilege Dr. Billy Stokes, Dr. Wayne Greenleaf, and Mr. Leonard McCaffery, members of my staff, either of whom has played a far greater role——

Senator RANDOLPH. Dr. Smith, would you ask them to stand so that I may see them?

Dr. SMITH. Yes. Thank you. The gentlemen here [indicating]. They have been bright young educators of Louisiana for many years and have made significant contributions to the educational change in Louisiana.

Senator RANDOLPH. Dr. Smith, just a minute.

Dr. Gurley, did you have someone from your State?

Dr. GURLEY. We have Ms. Joy Berry and Ms. Candy Brown who is a special assistant to Governor Busbee. If they would stand——

Senator RANDOLPH. They have both stood. I thank you very much.

I appreciate the thoughtfulness in giving the committee the opportunity to meet them as well as those who testified. Thank you all.

Dr. SMITH. Mr. Chairman and distinguished members of this U.S. Senate Subcommittee on the Handicapped.

I am Henry L. Smith, assistant State superintendent for special educational services for the Louisiana State Department of Education. My program responsibilities lie in the area of special education for the handicapped and gifted and talented.

To be asked to appear before this distinguished committee is an honor which I accepted that a great amount of personal pleasure. To be asked to represent my State, Supt. J. Kelly Nix, members of the Louisiana State Board of Education, the National Association of State Directors of Special Education, and my fellow educators is an honor which I accepted as a matter of professional pride.

I would also like to inform the committee that I have with me today Dr. Billy Ray Stokes, Dr. Wayne Greenleaf, and Mr. Leonard McCaffery, members of the staff of the division of special educational services, each of whom has played a far more significant role in bringing about educational change in Louisiana than I.

Throughout history numbers have always played a major role in our lives. When the history of this generation is written, the numbers 142, 504, and for Louisianians, 754 will certainly be recorded as numbers of great significance and impact.

Each of us has heard that Public Law 94-142 would have comparable impact with the Civil Rights Act of 1964. I do not appear before you confirming that premise in its entirety. I do, however, testify to you as assistant State superintendent of education for Louisiana that no other piece of educational legislation has had a greater positive impact on the educational and related structures of Louisiana than Public Law 94-142 and its companion State legislation, act 754.

My colleagues and I encourage this Congress to support the continuation and strengthening of Public Law 94-142. We recognize that adjustments will need to be made but in no way should the original intent of this Congress be lessened.

For too long we have allowed State and local education agencies to cite funding as a reason for not providing adequate education and related services for the handicapped. I view this as a scandalous affront to the worth and dignity of these young people.

For too long we have allowed State and local education agencies to cite administrative problems as a reason for not providing a free and appropriate education for all handicapped children and youth. I view this downgrading the American spirit which is not compatible with such defeatism. My fellow educators and I ask this Congress not to accept either of these rationalizations as reasons for providing inadequate or no programs for the handicapped.

As one who has viewed special education for the past 20 years, I would like to make the following observations:

One: Just as our handicapped children and youth cannot wait for tomorrow's teachers, the same old educational placebos we have been using at the Federal, State, and local levels will not cure the educational ills facing the handicapped and their parents. We will need better creative and innovative approaches to the education of all children, not only the handicapped.

Two: Whatever goals we have set for the handicapped will not be reached unless we continue to have an educational earthquake for the handicapped which Public Law 94-142 has begun, not only within the educational community but within other Federal, State, and local agencies as well.

Three: Our present efforts to meet the needs of the handicapped are not adequate and unless there is renewed emphasis on the part of this Congress, this administration, as well as State and local administrations and administrators, the handicapped as well as the gifted/talented will receive an increasingly smaller share of the human and fiscal resources due them. Education is guaranteed and delivered to every child in this country unless the child is handicapped, when far too often excuses replace the delivery of services.

Four: Two alternatives face our collective educational establishments: Pay now and pay the going rate, or pay later and pay with interest.

Five: Our collective governments cannot go it alone. They will need to use all available resources they can muster, such as consumers, parents, advocates, and professional organizations.

Six: Many of our programs and agencies are contributing more to the problems than to the solution.

Seven: We in the education and human services arenas suffer from an overslick professionalism in which we confuse issues with semantics and ivory tower jargon. There is nothing mystical about special education. Good teachers and good education can be part of regular as well as special education.

Eight: While we think we know what the least restrictive environment is, the most restrictive environment quite possibly lies between the ears of those of us who supposedly provide leadership throughout the country. Administrators and agency personnel must demonstrate more gifted leadership than we have in the past.

Nine: We seem to be on a treadmill when writing Federal and State legislation which is counterproductive to the intent of Public Law 94-142.

## THE EFFECT OF PUBLIC LAW 94-142 ON LOUISIANA

As a direct result of Public Law 94-142, Louisiana has made significant progress in providing educational opportunities for our handicapped children and youth. In fact, under the leadership of Supt. Kelly Nix and the Louisiana State Board of Elementary and Secondary Education, the State of Louisiana has made more progress in upgrading and developing quality education opportunities during the past 4 years than over the past 40 years.

New teacher certification standards with the highest required national teacher examination scores in the Nation, curriculum standards, functional literacy tests, competency-based education, a new special education law which has been called by many the most comprehensive in the Nation, are but a few of the new directional changes recently made in Louisiana's education system. I call this period of time a truly unique Louisiana experience.

Perhaps no other aspect of change has had a greater impact on the system in terms of humanizing our education system and forcing our educational leadership to begin trying to make the education system fit the child and not the child fit the system, than special education for the handicapped and gifted and talented. Transportation, food services, health services, certification, university personnel preparation programs, auxiliary services, right to read, early childhood, elementary and secondary education programs, and research and development are but a few of the programs internal to the Louisiana Department of Education which Public Law 94-142 and our companion State legislation, act 754, have affected in a positive manner.

The Departments of Health and Human Resources, Urban and Community Affairs, and Corrections, and the Legislative and Administrative Budget Offices are among those agencies external to the Education Department which have reacted in similar fashion as a result of this landmark legislation.

In order that you may be certain of the positive effects of Public Law 94-142 and act 754, I would like to share with you the following qualitative information regarding the development of special education in Louisiana: First, State funding for the handicapped has increased over the past 3 years from $50 to $77 million, an increase of 54 percent; second, Federal dollars for the handicapped have risen from $4 to $17 million, an increase of 425 percent; third, the number of employed special education teachers and speech therapists has risen from 3,845 in 1976-77 to 4,800 in 1978-79, an increase of 24 percent; and fourth, students identified and placed in approved programs has risen from 77,393 to 87,000 over the 3-year period of time, an increase of 12 percent.

Additionally, a nondiscriminatory assessment program, a surrogate parent program, learning resource centers, new special education certification requirements, a well orchestrated program for infants, toddlers, and preschoolers, adaptive physical education, and arts for the handicapped programs acclaimed as the finest in the Nation have been established. Training of physical and occupational therapists and research projects related to nutrition, health needs of the handicapped, and Down's syndrome children are among the specific programs which have come about as a result of this national mandate.

Special school district No. 1, a mechanism for providing educational programs in State operated facilities, is now in place, and for these more severely involved children, the State will spend approximately $3 million this year on teachers, aides, and administrators.

Mr. Chairman, I am certain that gains such as this can be heard from every State in our Nation. It is a good law. We request that you improve, refine, and fund Public Law 94-142 to a greater degree than ever before.

After 2 years there are seven mandates of Public Law 94-142 which present to us in the Louisiana State Department of Education the greatest degree of difficulty: First, the relationship between State departments of education and other agencies including the general supervision requirement; second, the degree to which related services are the responsibility of State departments of education; third, the provision of services to handicapped children who are voluntarily placed in nonpublic schools; fourth, the impact of nondiscriminatory evaluation; fifth, the full service goal definition; sixth, set asides for the handicapped; and seventh, individualized education programs.

## RELATIONSHIP OF STATE DEPARTMENTS OF EDUCATION AND OTHER AGENCIES INCLUDING THE GENERAL SUPERVISION REQUIREMENT

Public Law 94-142 requires that State and local education agencies have general supervision over education programs for the handicapped administered by other State or local agencies. The term itself is not defined in statute or regulations. Since different agencies operate under different statutes and regulations, enforcing to the degree necessary the general supervision requirement of Public Law 94-142 is difficult, if not impossible, to achieve. Interagency agreements and other agreed-upon operational and management mechanisms, however well meaning, will, in our opinion, not get the job done.

It would appear to members of my staff who are trying to implement the general supervision requirement in the real world that state education agencies must be given clearer and stronger authority under Federal law to monitor the compliance for minimum program standards in all public agencies providing educational services to handicapped children required by Public Law 94-142.

Rather than call the process of meeting minimum standards general supervision and leave it undefined, my staff would suggest that consideration be given to deleting the words "general supervision" from the statute and replacing them with words similar to the follwoing:

> The SEA shall have the authority in each participating State to establish a set of educational standards consistent with this part. Each public agency must adapt said educational standards receiving Federal funds for 3- to 21-year-old handicapped children in carrying out the State plan requirements of their governing regulations. The SEA shall monitor said public agencies for compliance with these standards and be empowered to require corretive action where noncompliance is found.

Applicable statutes and regulations must be changed to accommodate this concept of general supervision, or the supervision will remain general and weaknesses in the total service delivery system for the school-age handicapped child will remain.

We would also like to see clarifying statements written into the Social Security Act, especially titles V, XIX, and XX which will prevent their agency administrators from refusing to provide social, medical, and health related services supposedly as a result of comparable services being provided under Public Law 94-142. In other words, each of these laws should be reviewed and, if necessary, rewritten in order that State and local education agencies can carry out the intent of the Congress. These agencies should be made aware that section 504 of Public Law 93-112 does not relieve those agencies from providing social, health, and diagnostic related services although similar services may be mandated under Public Law 94-142.

## DEGREE TO WHICH RELATED SERVICES ARE THE RESPONSIBILITY OF STATE DEPARTMENTS OF EDUCATION

Public Law 94-142 requires that when a child's individualized education plan documents the need for related services, they be provided and education must assure they are made available.

Fearing Federal audits and for other reasons, some agencies are now refusing to provide related services to handicapped children under the guise that Public Law 94-142 is responsible for the free and appropriate education and related services for all children 3 to 21 and furthermore that their statutes and regulations do not allow them to provide services available under other legislation. Interagency agreements apparently do not provide the necessary protections to those agencies who fear audits. In many instances, these agencies choose this out because they would like to redirect their resources to the zero-2 or over 21 age populations. Should this practice be allowed to continue, then Congress and the administration will need to provide full funding of Public Law 94-142 as previously authorized. As you realized, only 12 percent of the authorized 20 percent authorization has been approved for fiscal year 1980. If education is going to pick up the costs as a result of the aforementioned actions, more money will be needed. If additional funds are not made available through Public Law 94-142, then other Federal and State agencies should be required to join education in providing all of the required services. Lack of available funds or services or poorly written and narrowly interpreted legislation should not be sufficient justification on the part of other agencies for this failure. This practice should be monitored more effectively in the future.

## PROVISION OF SERVICES TO HANDICAPPED CHILDREN WHO ARE VOLUNTARILY PLACED IN NONPUBLIC SCHOOLS

Parents or guardians may voluntarily enroll children in private or parochial schools which do not meet minimum State standards. Children are also being placed by parents or guardians in facilities and programs without proper procedural safeguards guaranteed by Public Law 94-142.

We suggest that all nonpublic schools which accept voluntarily enroll handicapped students be required to meet all applicable State and Federal standards. We also believe these facilities should be required to provide all protections as required by Public Law 94-142. We are of the opinion that these schools should meet comparable requirements to those expected of public schools. To place the responsibility for providing education and related services to children voluntarily enrolled in nonpublic schools on State and local education agencies and not require these schools, programs, or facilities to meet the same standards as public education is not consistent with the intent of Congress.

If State and local education agencies are going to be coerced—which they are—by State or local educational politics to use nonpublic facilities and programs with those voluntarily enrolled children, then Congress should require these programs to fish or cut bait. Given the fact that other agencies do assume their full responsibilities, Public Law 94-142 still needs to be better funded if State and local education agencies are to be held fully accountable for the implementation of Public Law 94-142.

## IMPACT OF NONDISCRIMINATORY EVALUATION

Louisiana, and hopefully other States, is involved in nondiscriminatory evaluation of children who are in or are being considered for special education programs, particularly children in classes for the mentally retarded, emotionally disturbed, learning disabled, and gifted and talented. Utilization of nondiscriminatory instruments may, does, and should result in many disadvantaged and minority children presently in special education being reclassified as nonhandicapped.

There appear to be three or four issues related to this matter:

One: These children, most of whom are minority and who have been inappropriately placed in special education programs, will need alternative educational settings available to them in the regular education environment.

Two: Congress and the U.S. Office of Education must realize that nondiscrimination evaluation may reduce the child count in a given exceptionality, particularly the mentally retarded, emotionally disturbed, learning disabled, and gifted/talented.

Three: Congress may consider requiring title I funds to be made available to any child declassified as a result of nondiscriminatory evaluations or actions related to special education minority students mandated by the Office of Civil Rights.

Four: Congress may want to address the need for closer coordination between Federal and State agencies, including funding patterns, to provide for the orderly transition of minority children from special education programs to regular or alternative programs as a result of actions by the Office of Civil Rights. To require children who have been in special education programs for a number of years to be returned immediately to regular classroom settings does not seem the most effective way to provide for the educational needs of children.

## FULL SERVICE GOAL DEFINITION

It is not now clear to State and local education agencies what constitutes full service. We suggest that full service might be defined in terms of whether or not a State or local education agency has in place all of the processes mandated by Public Law 94-142. In monitoring a State or local education agency, a discrepancy model might be used as opposed to relying on the incidence rate or numbers game which we currently play.

## SET ASIDES FOR THE HANDICAPPED

Vocational education, title IV, headstart, and other Federal laws require that State agencies responsible for administering these programs guarantee that a minimal percent or dollar amount provided under their respective authorities be used to provide programs or services for handicapped children.

Regardless of what we would like to think, the total effect of these set asides is nowhere near what this Congress intended for it to be or what they could be.

Conflicting laws, conflicts in interpretation, power struggles, and territorial and legislative prerogatives are but a few reasons why we are not getting maximum use of these dollars. Again, memoranda of agreements and interagency or interoffice protocols can only go so far. The appropriate statutes and regulations must be rewritten, issues clearly delineated, and responsibilities defined. Handicapped children tend to be the losers when being served by two masters.

State and local advisory committees and their politics are also reasons why these moneys are not being used in the most effective manner.

If State and local education personnel are going to be accountable under Public Law 94-142 for all programs for the handicapped in their local or State system, then set-aside funds should be used to assist in carrying out the mandates of Public Law 94-142. To do otherwise is to be counterproductive.

We propose that no set-aside funds be expended unless they are consistent with the local or State plan for the handicapped and approved by the local or State director of special education. If this is not done, then some of the mandates to provide free and appropriate education for all children required by Public Law 94-142 should be reviewed.

In regard to this matter, we would ask Congress to require that other programs expending funds for the handicapped be monitored just as enthusiastically as we are being monitored in special education. This monitoring would result in increased program effectiveness and fiscal efficiency.

In my opinion, the greatest impact related to the intent of Public Law 94-142 lies with vocational education. Therefore, we would suggest that Congress review their statutes, regulations, and funding levels to make certain that that agency has the necessary human and fiscal resources and in fact does deliver appropriate programs for the handicapped. If vocational education is not so required and gien the resources necessary, it is my opinion that the humanistic and legislative intent of Public Law 94-142 will never be met and that we will be wasting much of the fiscal resources put into education programs at the elementary and secondary levels.

At present there is a very large void between what the Federal statutes demand and what we are capable of doing for the handicapped. A new look at all of the legislation with emphasis on a comprehensive united policy coupled with full funding will go a long way in preventing gaps in delivering education and related services to the handicapped in our country.

### INDIVIDUALIZED EDUCATION PROGRAM

Perhaps the most critical point of all the requirements of Public Law 94-142, as well as the critical point in the life of a handicapped child, is the individualized education program (IEP). If all of the requirements of Public Law 94-142 were not required beginning today, I think the one which would hurt children more is the IEP.

This management process should become a mandate for all children, not only the handicapped. The IEP brings all of the safeguards and, more importantly, parents, teachers, and administrators together for a common cause—a child.

While there are those who would criticize the time, paperwork, and energies necessary to carry out this mandate, we would ask this Congress to continue to require the IEP and ask further that the Federal agencies as well as State and local education agencies be required to more vigorously monitor its development, use, and composition. We would also ask that in some way additional authorities be given to State education agencies to see that this requirement of the law is strengthened.

Those educators who would rather have parents and children become passive agents rather than active participants in the educational process should upgrade the educational system by removing themselves from it. I will be the first to admit that development of the IEP takes time, energy, and effort. But so does writing a brief as an attorney, writing a report as a physician, cutting a design for a dress, and writing a sermon as a minister. Each of these professionals find the time, energy, and effort because of their commitment to people, not as a result of this commitment to a profession.

To my knowledge, every model school system, school program, or school teacher in this country is successful only to the degree that their program is child centered, has open communication and involvement of parents and citizens, and works overtime to provide specifically designed instructions for the children under their care. The IEP becomes the catalytic agent, the convenor mechanism for the positive interactions to take place.

Mr. Chairman, using the IEP as a basis for planning, it is possible that we can live to see the day when most if not all children can be provided a relatively appropriate education and related services in which the administration and cost can be shared by many agencies and personnel. The young people can be exposed to a range of educational experiences appropriate to their needs, taught at their learning rate and level. I can visualize a network of program options beginning with programs for infants and toddlers. Moving through the system into appropriate programs of prevocational activities, vocational skill training, vocational-technical schools, vocational rehabilitation, work activity centers, sheltered workshops, and the world of work. These programs, together with the related services and health components, are possibilities. We cannot sell the public a bill of goods about educating the handicapped. We must sell them on the power of special education and its potential as a change in the lives of young people. These programs, just like our children, must produce in a qualitative and quantitative fashion which says to you as our elected representatives and the other citizens of this country that the inherent worthwhileness of these young people is important. We in this country must realize that a Nation, State, or local community is most often judged on the basis of what it does for its less fortunate. The IEP can be the focal point for these truths to become realities.

## CONCLUDING STATEMENT

Mr. Chairman, members of this committee, these are exciting times for those who care about the future of handicapped people. There is a sense of optimism in the air. In spite of the fact that problems are still deep and pervasive, the winds of change and hope are rising. More services exist and are available earlier than ever before. There is a growing visibility of children and adults with disabilities, as the media become increasingly aware of handicapped people as people. On all levels of government, there is a steady forward thrust of legislation and legal action aimed at correcting injustices and providing equal opportunities.

There are, however, formidable obstacles everywhere, preventing many handicapped people from leading full and useful lives. There are children who are isolated and neglected, parents desperate for relief from crushing burdens, men and women yearning for companionship and work.

But although great frustrations exist and difficulties still lie ahead, we believe that this is a moment when it is justifiable to pause and to measure the distance that has been traveled. There is a long, hard way to go. However, it is important to see how far we have come in a short time. It was backbreaking, often heartbreaking, effort, but once begun, there is no turning back from the inescapable logic of full acceptance for all of our handicapped children, youth, and adults.

This Congress in requiring a free and appropriate education for all handicapped children 3 to 21 years of age which will allow these young people to share the American dream will be acknowledging, Mr. Chairman, that appropriate educational opportunities for all our citizens, handicapped or not, will make our people easy to lead, but difficult to drive, easy to govern, but impossible to enslave. We must be ever mindful, Mr. Chairman, that the education which makes the handicapped happy and productive makes them more useful to others.

Thank you very much.

[Additional material supplied by Dr. Smith follows:]

DEC 17 1979

STATE OF LOUISIANA
DEPARTMENT OF EDUCATION

J. KELLY NIX
[illegible]

P. O. Box 44064
Baton Rouge, La.
70804

December 4, 1979

Received
Date 12-20-79
Subcommittee on
The Handicapped

The Honorable Jennings Randolph
United States Senate
4230 Dirksen Senate Building
Washington, D.C. 20510

Dear Senator Randolph:

Your recently requested information relative to Special Education programming and Public Law 94-142. My response is in the format of the stated question followed by the specific answer. The information for the response has been documented by state level personnel who have been in contact with local education agency staff.

I do hope this information will be of assistance to you. If I or any member of my staff can help you with additional information please contact us at (504) 342-3631.

Sincerely,

Henry L. Smith

Henry L. Smith, Ed.D.
Assistant Superintendent for
Special Educational Services

HLS:nw

Enclosure

**DR. HENRY SMITH - QUESTIONS**

Question 1 - Would you describe to the Subcommittee the extent and type of services provided by other agencies prior to the passage of Public Law 94-142?

Answer 1 - Prior to the passage of P.L. 94-142 the services provided were for the most part inadequate. They were also very selective, serving only certain exceptionalities and only isolated individuals. Other than the special schools the services consisted primarily of related services.

## STATE LEVEL PERSONNEL - SECONDARY SCHOOLS - Sis. Anna Mary

Question 1- What types of vocational education programs do you have to enable non-college bound handicapped students to become employable members of the labor force?

Answer 1- Vocational Education Programs which enable non-college bound handicapped students to become employable members of the labor force are:

> The Louisiana Public and Parochial Schools, in collaboration with the local vocational rehabilitation office, have coordinated agreements of vocational programs and services to meet the needs of handicapped students 16 years and older.
>
> Services include career exploration, vocational assessment, individual vocational counseling, vocational training via school vocational centers and/or special vocational classes, part-time work experience and on-the-job training, employability skill classes, and post school training and follow-up. Vocational Rehabilitation Counselors, usually trained in both special education and vocational establish relationships with handicapped students at the age of 16. The IWRP is coordinated with the IEP/IPP, which is monitored by the school staff, vocational education and vocational rehabilitation. Both the rehabilitation counselor and the school provide the means for coordinated planning of a student's progression through appropriate components of services and programs.
>
> Work - Study Programs or Work Experience Handicapped Coordinators are school staff assigned to secondary schools in a number of public school systems, who (1) arrange and supervise work experience sites for handicapped students and (2) provide employability skills training for such students. They function as work-study or vocational adjustment coordinators in some settings.
>
> Vocational Centers
>
> Vocational education programs in some school parishes provide specialized training in various trades. Handicapped students attend special education/regular education half-day and vocational education half-day. Students who participate in the vocational center program may be placed in an entry level job.

Question 2- Please describe how your state department of education and the vocational rehabilitation agency in your state cooperate to ensure that secondary level handicapped individuals have a smooth transition to employment and/or further schooling?

Answer 2-When a special education student reaches employable age (typically 16), a referral to vocational rehabilitation can be made by the facilitator of the student's IEP/IPP, or sometimes a high school counselor. The usual DVR eligibility criteria are applied. Once the referral has been made and the eligibility has been established, the counselor keeps an active relationship with the student and the family. The counselor is a team member of the IEP/IPP Committee. The counselor's role is to help insure that the student receives appropriate services. In a student's final year in school, it is the counselor who assists the student in appropriate follow-up after he/she leaves the school program. By this time, the counselor knows the student well and knows if the student may need continued services such as more specific area vocational training in a work setting.

Question 3 - What type of graduation certification is provided for handicapped individuals in your State?

| | |
|---|---|
| Answer 3 - For those who earn the 22 Carnegie units | - Regular Diploma |
| For those who complete eighth grade and pursue the additional work | - GED |
| For all others | - Local option to award Certificate of Achievement |

STATE LEVEL PERSONNEL - DUE PROCESS - [illegible]

Question 1 - How many due process complaints have been filed in your state since P.L. 94-142 went into effect? How many were resolved by informal mediation? How many due process hearings were held? How many decisions were appealed? How many decisions were decided in favor of the parents? The School Districts?

Data collected in the Division of Special Educational Services indicates:

| | |
|---|---|
| Number of hearings held at local level | 41 |
| Number of hearings appealed to State (BESE) | 13 |
| Number appealed to court | 0 |
| Number decided in favor of parents | 6 |
| Number decided in favor of school district | 3 |

Question 2 - Are there patterns in due process complaints?

Most prevelant issues:

| | |
|---|---|
| Disagreement with placement of child | 90% |

FEEDBACK REQUEST 10/79

## INFORMATION FOR CONGRESSIONAL COMMITTEE STAFFS

1. Use of VI-B funds

   a. What percentage of your VI-B dollars do you flow through to LEAs? 75 %

   b. What are your major uses of VI-B discretionary funds?

      1) State or regional support systems 34 %

      2) Direct service 33 %

      3) Other LEA's, Non-profit Organizations and Universities 33 %

   c. Estimate the LEA use of the flow through funds in the following categories:

      1) Child Search 6%

      2) Screening and Diagnosis 17%

      3) Instruction and Related Services 22%

      4) Equipment and Materials 9%

      5) Inservice Training 3%

      6) Administrative and Support 21%

      7) Transportation 2%

2. Number of hearings (from Sept. '75 - Present)

   a. How many hearings have been held at local level?

   b. How many appealed to state? 13

   c. How many appealed to court? None

   d. Identify the most prevalent issues

      Disagreement with Placement of child number of cases 37-90%

      ______ - number of cases

      ______ - number of cases

   e. Do you have a formal (in regs) mediation process? x Yes ___ No

BEST AVAILABLE COPY

3. 12-month program

a. Do your regulations allow 12 month programs for the handicapped? X Yes ___ No

b. Are you currently providing 12 month programs? X Yes ___ No

4. Briefly describe the major changes that have occurred in your state laws or regulations since the passage of P.L. 94-142

| Content Area (short description) | Law | Regulations |
|---|---|---|
| Evaluation Procedures (non-discriminatory) | x | x |
| I.E.P. | x | x |
| Zero-Reject Responsibility-Education | x | x |
| Mandated Interagency Regulation | x | x |
| Responsibility Field Programs In Other Revenues | x | x |

5. Since 1975 what have been the increases in personnel in the SEA special education unit?

| | Increase # |
|---|---|
| a. Number at SEA level | |
| 1) Administrative and Supervisory | 18 |
| 2) Support | 6 |
| b. Number at LEA level | |
| * 1) Administrative and Supervisory | 66+F.F. |
| 2) Certified Instructional Personnel | 1,500 |
| 3) Related Services Personnel | F.F. |
| 4) Non-certified Teacher Aides | 900 |
| 5) Secretarial and Clerical | F.F. |

6. Comparison of preschool program (below age 6)

| | | 1975 | Current |
|---|---|---|---|
| No. Kids Served | Less than | 500 | 5,461 |
| Preschool Certification Standards (Yes or No) | | No | No |
| Status of Legislation (Mandatory or Permissive) | | Permissive | Mandatory |
| When/ and age range | | 1978(3 5) | 1980(0-2) |

7. Is access to FAPE for secondary handicapped youth a problem in your state?

__x__ Yes ____ No

Comment: ____________________

8. Are these major areas of concern in your state?

- Voc Ed/ Sp Ed linkage __x__ Yes ____ No
- Rehab/ Sp Ed linkage __x__ Yes ____ No

9. Have the service priorities in the law for severe and profound impeded your ability to serve mildly/moderately handicapped? ____ Yes __x__ No

If yes, please explain ____________________

10. What are the critical issues to be addressed to achieve the goal of non-discriminatory assessment in your state?

Availability of instruments which are approximately normed, in all areas of functioning. Availability of alternative educational programs for declassified students. Training of qualified examiners.

11. How is your state addressing the issue of providing related services of children who are not in need of special education services?

Providing under 504 accessibility - reasonable adaptation.

12. As a result of the law--

- Have you established certification for adaptive physical education teachers __x__ Yes ____ No
- Have you established criteria for eligibility to determine when a child should receive adaptive physical education as opposed to regular physical education program __x__ Yes ____ No
- Do handicapped students usually receive physical education instruction commensurate with regular students, i.e., 30 mins. per day, five days a week? __x__ Yes ____ No
- Does this pose a problem for implementation? ____ Yes __x__ No

  Examples: ____________________

- Do you have a state requirement for physical education to be a part of each student's IEP? __x__ Yes ____ No

STATE LEVEL PERSONNEL - IEP - Sister Mary Joanne

Question 1 - Is each individualized education program developed for a handicapped child unique, or is there a "Master" IEP form which teachers, principals and other partipants are encouraged to use?

Answer 1 - The Division of Special Educational Services with the assistance of a state level IEP committee developed a state IEP form which was piloted in the academic year 1978-79. The revised form is distributed to all of the local school systems for use in their educational programs. Supervisors of special education of local school systems were inserviced on the use of the form. Inservice sessions were also conducted for classroom teachers who are using the form. An IEP Handbook was developed by the same process and is currently being piloted.

Question 2 - Are there any patterns in disagreements between parents and educators in the development and implementation of IEP's?

Answer 2 - There are several areas where parents and educators frequently disagree:

1. The question of the extended school year - twelve month programming.

2. The area of related services, particularly in the areas of physical and occupational therepy.

3. The provision of transportation - length of ride for students, shortened school day.

4. The amount of time spent in the resource room.

Question 3 - Have you encountered any demand for IEP's for nonhandicapped students in your state?

Answer 3 - Not really. There has been some talk about something comparable to the IEP system being developed by Title I. There also has been some talk about introducing some form of individualized program for students who do not meet minimal standards on the proficiency tests.

STATE LEVEL PERSONNEL - FUNDING - [illegible] with [illegible]

Question 1 - Does your state budget planning cycle take place prior to final approval of your 94-142 state plan? If so, what effect does late receipt of a firm federal grant commitment have on effective program planning and expansion of programs for handicapped children?

Answer 1 - Yes. The State budget planning cycle takes place prior to the final approval of the 94-142 state plan. This definitely has a detrimental effect upon effective program planning and implementation. The policy of the state fiscal office is that until the letter of authorization is received no money may be expended. This means new personnel may not be employed; no materials may be purchased, no services may be contracted for. See attached letter to Ray Simches.

Question 2 - What effect do you feel the "Proposition 13 Movement" has had on the special education services and related services available to handicapped children?

Answer 2 - None visible yet but more and more is being said about the impact of the cost of special education on local funds. It is the belief that if there were to be a cutback in educational programs, special education would be the first affected.

Question 3 - What proportion of your total special education budget is currently used to pay private placement costs? Are other agencies sharing these costs with the education agency? If so, to what degree are these agencies sharing costs?

Answer 3 - Of the 70 million dollars spent for special educational instructional costs, approximatley 6% is spent for private placement instructional costs. Approximately 33% of that cost is shared by other agencies.

Question 4 - What proportion of your special educational excess costs are provided from local, state, and federal sources?

Answer 4 - The definition of excess costs does not fit with the manner in which the question is phrased. State and local monies represent 5/6 of excess costs.

STATE OF LOUISIANA
DEPARTMENT OF EDUCATION

J. KELLY NIX
[illegible]

P. O. Box 44
Baton Rouge
70804

December 6, 1979

The Honorable Harrison A. Williams, Jr.
4230 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Mr. Williams:

I appreciate the opportunity to report information regarding Public Law 94-142. This is truly an effective and meaningful law for our Nation's handicapped, and we in Louisiana, have passed parallel state legislation to support it.

Our responses are attached for your review.

Sincerely,

Henry L. Smith

Henry L. Smith, Ed.D.
Assistant Superintendent for
Special Educational Services

HLS:cen

1979 DEC 14 PM 5 21
... HUMAN RESOURCES

1. We have not experienced funding delays.

2. Since related services and direct services may be defined differently in different situtations, a total of allocations is listed:

| | | | | |
|---|---|---|---|---|
| a. | Instructional | $1,590,534.40 | or | 13% |
| b. | Health Services | 1,345,836.80 | or | 11% |
| c. | Assessment | 2,202,278.40 | or | 18% |
| d. | Child Search | 856,441.60 | or | 7% |
| e. | Supportive | 2,814,022.40 | or | 23% |
| f. | Travel | 611,744.00 | or | 5% |
| g. | Equipment and Materials | 978,790.40 | or | 8% |
| h. | Indirect Cost | 489,395.20 | or | 4% |
| i. | Miscellaneous | 244,697.60 | or | 2% |
| j. | Unbudgeted | 1,101,139.20 | or | 9% |

3. Louisiana provides extended year programs for children according to the IEP. This does apply statewide.

4. The children in residential or private schools are funded with P. L. 89-313, state funds, and P.L. 94-142 discretionary funds.

5. Options and approaches utilized by the SEA-LEA in implementing the least restrictive environment (LRE) are based on individual need as follows:

    1. The regular classroom
    2. The regular classroom with consultation
    3. The regular classroom with resource teacher
    4. The regular classroom with itinerant resource teacher
    5. A self-contained special classroom with part-time instructor in regular class
    6. A self-contained special class (regular campus)
    7. A self-contained special class in a special day school facility
    8. Homebound/hospital instruction
    9. A residential program (i.e., referral to Special School District #1)
    10. A resource center for Gifted & Talented students
    11. Any combination of 1-10
    12. Cooperative special education and related services

    The school systems in the state endorse and operate under an LRE ("mainstreaming") policy in order to provide the most appropriate education for each child. State law encourages LRE by providing multiple entitlement funding for teachers of children attending both special education and regular education in order to serve the child's needs.

6. In the monitoring process school systems are cited if a dirth of secondary programs exists. Since secondary programming is an area which needs expansion, an SEA coordinator works specifically with Vocational Education for expansion of handicapped programs. In addition, categorical SEA supervisors, i.e. area of learning disabilities, also work with school systems in programming. Title IV projects are used in some systems to promote secondary options. The problems of Carnegie units for graduation, certification of teachers, certificates/diplomas, secondary staffing patterns re: pupil/teacher ratios and other related topics are currently in committee and nearing resolution.

7. Cooperation exists in moving students into the labor market. At age 16, usually, students are referred to the Division of Vocation Rehabilitation for services. The school counselor who is a member of the IEP Committee maintains contact with the student and his program until his secondary program terminates. Students also have options in vocational education work-study programs and in training for sheltered workshops.

8. State law mandates services to handicapped children 0-21 by 1985. Currently "school boards may provide special education services for children under three years of age who have serious handicapping conditions which, if untreated, could become greatly compounded by school age." Diagnostic services are available for 0-21 at present. The Office of Mental Retardation provides a program for 0-2.

9. There have been 11 due process hearings at the state level. The main issue was private vs. public placement. Seven were resolved in favor of the child's advocate. None were appealed to civil action.

10. Interagency agreements among service providers at the state level have been developed and are being operationalized this year. Since Louisiana's other service providers are under an "umbrella" agency, the Department of Health and Human Resources, it was necessary to work through the top level administrators as well as with the assistant secretaries of the Offices of Mental Retardation, Mental Health, Human Development and others. The Department of Corrections has an agreement, procedures and protocol with Education. Mental Retardation and health services agencies would require priority focus. Turf problems, segregation and definition of services to eliminate unnecessary duplication of services, dissemination of information to personnel and participating regional offices, and development of total cooperative attitude are a few administrative problems. Financial problems involve reallocation of funds, extended use of funds, prioritizing needs and goals, and total revised budget analysis and future projections. Louisiana has had tremendous success in this area due both to a mandated five year plan for combined services for handicapped in the state and also to the continued total commitment of the state, including administrators and personnel, to free appropriate public education for its citizens ages 3-21 currently, and 0-21 in the future.

11. There are no conflicts between Federal and State laws because Louisiana passed Act 754 in 1977 incorporating both P.L. 94-142 and Section 504 into our even more inclusive (gifted and talented and slow learners, and 17% rather than 12%) legislation.

12. Resource deficient areas have been bolstered through interagency agreements which utilize more effectively already available resources, consortium efforts, support monies and state consultant(s).

13. A teacher may not teach in Louisiana without a valid certificate. In 1978-79 fifty-one or 8.5% of the teachers in rural areas had temporary certification which requires six credit hours annually of education in the area of temporary certification to revalidate the temporary certificate and/or to issue a permanent certificate. The state will fund six credit hours per semester for active teachers. Current certification requirements, which are being revised, are attached. Generic certification will be added.

14. The FY 1979 State Program Plan outlines the functions of the Advisory Committee as:

    1. Advise the SEA on the unmet needs of handicapped children within the State.
    2. Comment publicly on any rules or regulations proposed for issuance by the State regarding the education of handicapped children and procedures for distribution of funds under this part.
    3. Assist the State in developing and reporting such data as may assist the Commissioner in the performance of his responsibilities under Section 618.

    There are 58 members comprised of persons from other state agencies (6), legislators (7), supervisors of special education (9); members-at-large: dean (1), labor (1), research (1), medicine (1); advocacy groups (5); public, private and parochial school principals (6), parish superintendents (5), SEA (2), teachers (6), university representatives (4), State Board of Elementary and Secondary Education (4). Parents of both handicapped and non-handicapped children are included in these numbers.

15. Upon entrance into the Department of Corrections a child is received and processed through a series of tests and examinations by staff and contracted persons at the Juvenile Reception and Diagnositc Center. Provisions for special education are currently being developed and will be implemented fully by July 1, 1980. Presently special education programs are limited due to proper evaluations on suspect children or children with previous special education history.

16. The priorities BEH could set that would most benefit our State are:

    a. Define specifically related services responsibility.
    b. Define the term "general supervision" in operational terms.
    c. Rewrite the excess cost regulation to be more in line with recommended federal accounting procedures according to the handbooks.

STATE OF LOUISIANA
DEPARTMENT OF EDUCATION

J. KELLY NIX
State Superintendent

P. O. Box 44064
Baton Rouge, La.
70804

November 27, 1979

The Honorable Robert T. Stafford
United States Senate
5219 Dirksen Senate Building
Washington, D.C. 20510

Dear Senator Stafford:

You recently requested information relative to Special Education programming and Public Law 94-142. My response is in the format of the stated question followed by the specific answer. The information for the response has been documented by state level personnel who have been in contact with local education agency staff.

I do hope this information will be of assistance to you. If I or any member of my staff can help you with additional information please contact us at (504) 342-3631.

Sincerely,

Henry L. Smith
Henry L. Smith, Ed.D.
Assistant Superintendent for
Special Educational Services

HLS:mw

Enclosure

## SCHOOL ADMINISTRATORS

Question 1 - What preschool identification and evaluation procedures are used in your school districts?

Answer 1 - Preschool children are screened:

1. in groups, round-up type screening
2. individually

Screening is conducted in:

1. social
2. emotional
3. motor
4. sensori-cognitive areas

Evaluations are conducted in the areas determined by screening "at risk."

Question 2 - Besides the public schools, what other local and State agencies are involved in the identification and evaluation of preschool handicapped children?

Answer 2 - Other agencies involved in the screening and evaluation of preschool handicapped children include:

1. Department of Health
2. Department of Mental Health
3. Department of Mental Retardation
4. Head Start
5. Private physicians

Question 3 - What types of preschool programs does your school districts provide for handicapped children?

Answer 3 - 1. Home based programs
2. Center based programs
3. Home/Center based
All programs are non-categorical

SCHOOL ADMINISTRATORS (cont'd)

Question 4 - What types of tests and other procedures are used in the identification and evaluation of handicapped children in the school districts? Who administers these tests?

Answer 4 - Act 754 of the Louisiana Legislature spells out the procedure and timeline which must be adhered to in the process of evaluation and placement of special students. The flow chart establishing these timelines is attached.

Approximately a year and a half ago the DSE solicited information from each test publisher asking for recommendations for testing instruments suitable for use to meet the intent of P.L. 94-142 and Act 754. To date no publishers have responded. In the absence of any such recommendations the DSE has chosen not to develop a list of specified instruments for recommendation. The one exception is the SOMPA which must be used for non-discriminatory intellectual assessment. (See page 14 of the manual.) The type of test used is the determination of the LEA or testing center. However, every evaluation process must include information from educational performance and appropriate assessment instruments in the area of handicapping conditions.

The persons administering the tests must be certified by the Louisiana State Department of Education according to criteria established by the Board of Elementary and Secondary Education (BESE). Depending upon the exceptionality of the student being evaluated any or all of the following persons who participate in the evaluation process may represent the following:

1. School Psychologist
2. School Social Worker
3. Speech Pathologist
4. Audiologist
5. Physicians
6. Physical Therapists
7. Occupational Therapists
8. Adaptive Physical Education Teachers
9. Educational Consultants

Question 5 - In what ways, if any, do limitations on availability of a particular special education resource influence what types of handicapping conditions are identified, evaluated, and served?

Answer 5 - It appears that the availability of programs unduly influences the exceptionality indentified for students who are evaluated. By availability of programs, I mean the certification areas of the teachers. Statistics show that the same team serving different school systems is more consistent with program availability than they are in reporting exceptionalities.

Question 6 - To what degree have you used private placements in order to provide the edcuational services needed by handicapped children?

1. In general, what are the reasons for private placements in the school districts?

   Most of the children placed are for reasons other than educational, where the locals could not provide the services. Another reason is when the parents resorted to due-process.

2. Is there any pattern by handicapping condition in your placements?

   Non-availability of LEA services.
   Children with problems needing 24 hour care and treatment.
   Continuation of placements made in prior years due to Act 728.

3. Have these placements in private programs been the result of local school districts not having an appropriate program for these children?

   Generally, children are severely mentally retarded, multiply handicapped, seriously emotionally disturbed or have severe learning problems needing greater intervention than the schools are able to provide.

4. How many of these children were placed in private programs prior to the implementation of P.L. 94-142?

   In some cases, however, the number of these instances has diminished significantly. Act 728 of the Louisiana legislature now mandates that a child once placed in a private facility because the LEA lacks programs availability may not be removed from that placement unless the parents approve the change.

Question 7 - In what type of educational setting, besides the regular classroom, are handicapped children in school districts reveiving education and related services?

Answer 7 - The Louisiana Manpower Needs Assessment Technical Report for the 1978-79 academic year reports special educational programming in the LEA's as follows:

| | | |
|---|---|---|
| Self-contained Students | 26,829 | 50% |
| Resource Room Students | 27,285 | 50% |

Question 8 - Who is providing the majority of educational services for handicapped children?

Answer 8 - The Louisiana Manpower Needs Assessment Technical Report for the 1978-79 academic year reports the following regarding special education teachers:

| | | |
|---|---|---|
| Teachers of self-contained classes | 2,577 | 63% |
| Teachers of resource rooms | 1,538 | 37% |

Question 9- What handicapping conditions have been the most difficult to successfully "mainstream" into the regular classrooms?

Answer: It has not been determined if any parish has attempted to mainstream severe/profound and autistic students. However, the general concensus is that because of the severity of these conditions it would be difficult to successfully integrate them with the regular students. Some moderately mentally handicapped and health impaired students have been mainstreamed but according to reports received from teachers it is questionable that these students have been successfully integrated with the regular students.

Question 10-How would you respond to the concern that some handicapped children are being "dumped" into regular classrooms and thus are receiving fewer educational services than would be provided in self-contained classes or residential settings?

Answer: State and federal regulations have provided safeguards to assure that handicapped students receive all the educational services needed. If the least restrictive environment guidelines are followed no handicapped child would be "dumped" into regular classrooms. All handicapped children would be placed in settings which are most appropriate to their educational needs. School districts should be monitored to assure that all handicapped children are placed in the most appropriate settings according to the L.R.E. guidelines.

Question 11-What follow-up procedures do the school districts use to keep track of the educational progress of a handicapped child once placement has occurred?

Answer: The educational progress of a child is reviewed every six to nine weeks when short term objectives stated on the IEP are evaluated and commented upon. At least once a year and more often when needed the placements of a child is received by the teachers, administrators and parents to determine if a different setting is needed to provide educational programs which would allow the child to progress at the optimum level. Also the Louisiana State Assessment tests in reading, mathematics, and writing are administered to most handicapped students in grades 4, 8 and 11 or at ages 9, 13, and 16 to determine if these students have reached the minimum proficiency levels set by the State.

The State also requires a re-evaluation of all handicapped students at least once every three years. These re-evaluations include educational achievement tests to determine educational progress made since the last evaluation.

## SECONDARY SCHOOLS

Question 12- What types of vocational education programs do you have to enable non-college bound handicapped students to become employable members of the labor force?

Answer 12- Vocational Education Programs which enable non-college bound handicapped students to become employable members of the labor force are:

The Louisiana Public and Parochial Schools, in collaboration with the local vocational rehabilitation office, have coordinated agreements of vocational programs and services to meet the needs of handicapped students 16 years and older.

Services include career exploration, vocational assessment, individual vocational counseling, vocational training via school vocational centers and/or special vocational classes, part-time work experience and on-the-job training, employability skill classes, and post school training and follow-up. Vocational Rehabilitation Counselors, usually trained in both special education and vocational establish relationships with handicapped students at the age of 16. The IWRP is coordinated with the IEP/IPP, which is monitored by the school staff, vocational education and vocational rehabilitation. Both the rehabilitation counselor and the school provide the means for coordinated planning of a student's progression through appropriate components of services and programs.

Work - Study Programs or Work Experience Handicapped Coordinators are school staff assigned to secondary schools in a number of public school systems, who (1) arrange and supervise work experience sites for handicapped students and (2) provide employability skills training for such students. They function as work-study or vocational adjustment coordinators in some settings.

Vocational Centers

Vocational education programs in some school parishes provide specialized training in various trades. Handicapped students attend special education/regular education half-day and vocational education half-day. Students who participate in the vocational center program may be placed in an entry level job.

Please describe how your state department of education and the vocational rehabilitation agency in your state cooperate to ensure that secondary level handicapped individuals have a smooth transition to employment and/or further schooling?

When a special education student reaches employable age (typically 16), a referral to vocational rehabilitation can be made by the facilitator of the student's IEP/IPP, or sometimes a high school counselor. The usual DVR eligibility criteria are applied. Once the referral has been made and the eligibility has been established, the counselor keeps an active relationship with the student and the family. The counselor is a team member of the IEP/IPP Committee. The counselor's role is to help insure that the student receives appropriate services. In a student's final year in school, it is the counselor who assists the student in appropriate follow-up after he/she leaves the school program. By this time, the counselor knows the student well and knows if the student may need continued services such as more specific area vocational training in a work setting.

What type of graduation certification is provided for handicapped individuals in your State?

For those who earn the 22 Carnegie units - Regular Diploma

For those who complete eighth grade and pursue the additional work - GED

For all others - Local option to award Certificate of Achievement

· IEP

Question 13- Is each individualized education program developed for a handicapped child unique, or is there a "Master" IEP form which teachers, principals and other partipants are encouraged to use?

Answer 13- The Division of Special Educational Services with the assistance of a state level IEP committee developed a state IEP form which was piloted in the academic year 1978-79. The revised form is distributed to all of the local school systems for use in their educational programs. Supervisors of special education of local school systems were inserviced on the use of the form. Inservice sessions were also conducted for classroom teachers who are using the form. An IEP Handbook was developed by the same process and is currently being piloted.

Are there any patterns in disagreements between parents and educators in the development and implementation of IEP's?

There are several areas where parents and educators frequently disagree:

1. The question of the extended school year - twelve month programming.
2. The area of related services, particularly in the areas of physical and occupational therepy.
3. The provision of transportation - length of ride for students, shortened school day.
4. The amount of time spent in the resource room.

Have you encountered any demand for IEP's for nonhandicapped students in your state?

Not really. There has been some talk about something comparable to the IEP system being developed by Title I. There also has been some talk about introducing some form of individualized program for students who do not meet minimal standards on the proficiency tests.

Question 14 - What follow-up procedures are used to ensure that the goals and objectives of the IEP are actually being carried out in the classroom?

Answer 14 - The short term objectives, page 4 of the IEP, must be sent home to the parents at every reporting period. This page indicates the level of success of the students on those particular objectives. The Louisiana State Plan indicates that one-third of the school districts will be visited each year for an in-depth on-site monitoring. The monitoring visit includes a visit to the individual special education classrooms by the state consultant for that particular exceptionality who reviews the IEP. In addition to the on-site monitoring visits of the SEA the LEA, according to ist local plan, must also monitor IEP's.

Question 15 - After a handicapped student is identitied, what is the average amount of time required to prepare the IEP and place the child in an appropriate setting?

Answer 15 - Act 754 allows 10 operational days from the date of the receipt of the evaluation report until the IEP committee meeting.

Question 16 - What part of certification do handicapped children receive upon completion of their "secondary" studies: a regular diploma? special certificate?

Answer 16 - Secondary handicapped students who earn a regular diploma. Handicapped students who have completed the eighth grade may complete the work and be granted a GED. The awarding of a certificate of achievement to handicapped secondary students who do not earn Carnegie units and thereby qualify for a high school diploma is an option afforded the local school system.

Question 17 - How is your state using their federal dollars for the education of the handicapped?

Answer 17 - Seventy-five percent of the monies flow through to the LEA's. The breakout is as follows:

| | | |
|---|---|---|
| 1. | State or regional support system | 34% |
| 2. | Direct service | 33% |
| 3. | Other - LEA's, Universities, etc. | 33% |

The breakout of LEA monies as follows:

| | | |
|---|---|---|
| 1. | Child Search | 6% |
| 2. | Screening and Diagnosis | 17% |
| 3. | Instruction and Related Services | 22% |
| 4. | Equipment and Materials | 9% |
| 5. | In-service Training | 3% |
| 6. | Administrative and Support | 21% |
| 7. | Transportation | 2% |

Question 18 - How does your state actually finance the local school district spending for the education of the handicapped (i.e. via reimbursement, forward funding, letters of credit, etc.)?

Answer 18 - The State only uses reimbursement as a form of processing money.

Question 19 - To what degree is your state and local school district spending this P.L. 94-142 dollars to purchase (1) "Educational services?" (2) related services?

Answer 19 - Approximately 90% of the LEA money is spent for purchasing related services.

Question 20 - Is your state IEP requirement different from that of P.L. 94-142? Do the regulations on the state and federal level differ?

Answer 20 - Yes. The state requirements are more detailed, i.e., the composition of the IEP committee is expanded, the IEP must contain 17 elements rather than the five spelled out in P.L. 94-142. The IEP Handbood distinguishes between the initial IEP conference and the annual update. The emphasis is on the IEP as a management tool rather than an instructional lesson plan. The DSE also concurs with BEH in its requirement of the short term objectives being developed in the initial IEP conference.

The regulations for Act 754 incorporate those of P.L. 94-142 and 504. They also address the provision of services to students enrolled in non-public schools as well as those students in SSD # 1. The format of the regulations is based upon the various groups involved in the delivery of servcies to exceptional students, i.e., Board of Elementary and Secondary Education (BESE), State Superintendent, Division of Special Educational Services (DSE), Local Educational Agencies (LEA), Special School District (SSD) #1.

Question 21 - What role is the IEP requirement playing in the contract negotiations between teachers and school districts? For example, are teachers demanding release time for the preparation of IEP's, etc.?

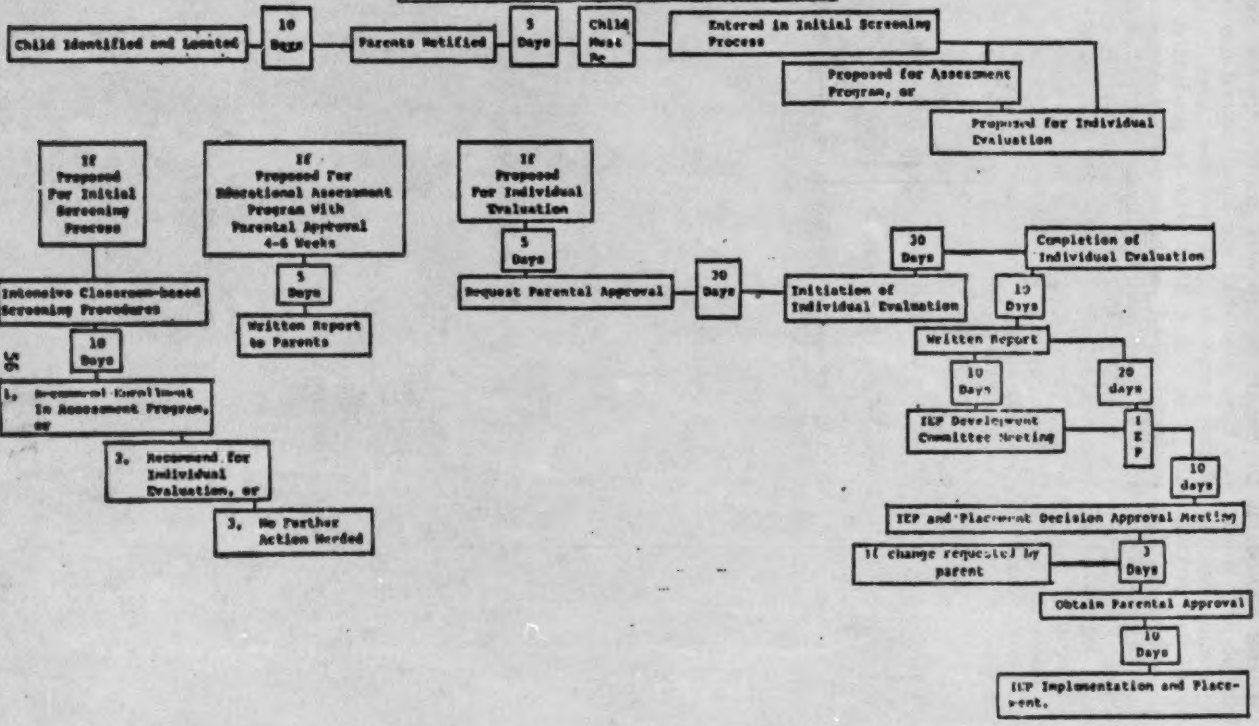
Answer 21 - In those systems where there are teacher unions, the negotiations demand release time for IEP conferences and for in-service. The union is also monitoring the LEA in its provision of programs.

Question 22 - In general, how do your state laws and regulations for the education of the handicapped differ from the federal requirements? What are the major areas of state-federal conflict?

Answer 22 - The state laws of Louisiana make provision for programs for Gifted and Talented students. There is permissive funding for pre-school programs for the handicapped. Special School District #1 is unique to Louisiana legislation. Act 754 is tailored for Louisiana.

There is no state-federal conflict. However, there are conflicts within the area of federal statutes and there is difficulty in establishing general supervision.

## IDENTIFICATION, LOCATION, EVALUATION, PLACEMENT PROCESS


Child Identified and Located
10 Days
Parents Notified
5 Days
Child Must Be
Entered in Initial Screening Process
Proposed for Assessment Program, or
Proposed for Individual Evaluation
If Proposed For Initial Screening Process
Intensive Classroom-based Screening Procedures
10 Days
1. Recommend Enrollment In Assessment Program, or
2. Recommend for Individual Evaluation, or
3. No Further Action Needed
If Proposed For Educational Assessment Program With Parental Approval 4-6 Weeks
5 Days
Written Report to Parents
If Proposed For Individual Evaluation
5 Days
Request Parental Approval
30 Days
Initiation of Individual Evaluation
30 Days
Completion of Individual Evaluation
10 Days
Written Report
10 Days
IEP Development Committee Meeting
20 days
I E P
10 days
IEP and Placement Decision Approval Meeting
If change requested by parent
3 Days
Obtain Parental Approval
10 Days
IEP Implementation and Placement.

APPENDIX A

**Senator Randolph.** Dr. Smith, we are very grateful for the challenge of your words. You have said that the handicapped are not only happy because of this program that includes them in the educational process but, in so doing, they will be productive as well. I think so often we forget that it is the productive American that makes possible the dollars with which any program that the Federal, State, or local government supports. The people that are not productive do not make the dollars that are paid in taxes to the political subdivisions of this country, and it is highly important that we continue constantly to appeal to them to be as productive as possible. That is the essence, that is the catalyst by which this program and many other programs are able to move forward. We must continue to make the efforts, as you have well said, needed to have a citizenry, a society which is productive. We are grateful for your testimony, grateful for the testimony of others who appeared today.

We shall continue these hearings on Wednesday, October 3, at 9:30 a.m. Thank you very much.

[Whereupon, at 12:23 p.m., the subcommittee recessed, to reconvene at 9:30 a.m., Wednesday, Oct. 3, 1979.]

# OVERSIGHT ON EDUCATION FOR ALL HANDICAPPED CHILDREN ACT, 1979

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WEDNESDAY, OCTOBER 3, 1979

U.S. SENATE,
SUBCOMMITTEE ON THE HANDICAPPED,
COMMITTEE ON LABOR AND HUMAN RESOURCES,
*Washington, D.C.*

The subcommittee met, pursuant to recess, at 9:44 a.m., in room 4232, Dirksen Senate Office Building, Senator Jennings Randolph (chairman of the subcommittee) presiding.

Present: Senators Randolph, Stafford, and Schweiker.

I will ask Roy Jefferson if he would be our first witness. And, Roy, if you would come and sit and bring the mike somewhat closer to you and make yourself comfortable as you speak.

This is another day in our hearing process, and we say good morning and welcome to those who are present as witnesses and who are interested in what we and you are doing together.

This is the fifth in our series of hearings. We expect to continue through this 1st session of the 96th Congress. And next year, in the second session of the same Congress, we will continue the overview on Public Law 94-142.

Public Law 94-142 gives the handicapped children of our country not only the opportunity but our government's commitment that they will receive an equal educational opportunity in our public school system.

I have said, Roy, to each of our witnesses to date that in the early stages of implementation of a public law of this type—and we could say of some other laws—that problems arise. We have said they are numerous; they are substantial. We know that they are there and we cannot run away from them.

We must discuss them, very frankly.

The purpose of the hearings of our subcommittee—and I know our ranking member of the subcommittee, Senator Stafford, will come, if possible, to this hearing—is to provide a forum for you to express your concerns. We know you have a commitment to work in this field and you are watching the implementation of the law, as we are.

When we have these hearings completed, we will have testimony from parents, teachers, administrators, representatives from organizations, and representatives from the higher education community. This testimony will help us to improve the services to handicapped children in the educational system of the United States.

We are very happy, Roy, that you are our first witness and you proceed as you care to.

## STATEMENT OF ROY JEFFERSON, ADVOCATE, WASHINGTON, D.C.

Mr. **Jefferson**. First of all, I think I would like to preface my statement that I would definitely like to see handicapped children within the framework of our normal day school; but I would hate to see them pushed into situations where facilities were not proper, because we could hurt that child much more if, in fact, we did put them into situations where the facilities were not adequate, the staff was not adequate to handle their special situation.

My name is Roy Jefferson, and at present, I reside in the Washington, D.C. area. I currently host the TV show "It's Elementary," which is geared to children from ages 5 to 12. I am also very active in the community working with children in the special olympics program, the Epilepsy Foundation of America, and many other charitable organizations.

My previous employment was with the National Football League, playing with the Pittsburgh Steelers, the Baltimore Colts, and, for 6 years, with the Washington Redskins.

I am grateful for the opportunity to testify here today concerning this major effort that our country is making to provide equal educational opportunity for its handicapped children.

In 1968, in Salt Lake City, Utah, at Dillworth Elementary School, I taught at a school that specialized in services to handicapped children. It was through my experiences there that I realized what potential these kids had. True, it took a lot of attention; it took a lot of time and it took a lot of skill, but the special services that we were able to offer brought children with handicaps—and these were usually isolated, withdrawn youngsters—to a point where they began to develop some of the skills they needed if they were ever to function in society.

Now, schools like this exist because the services it provided aren't available in the public schools. And it is true that while our kids did make progress, they were to some degree isolated from society.

They had little contact with nonhandicapped children, and I think they were probably held back to some degree because of it. That is why I am strongly in favor of the mainstreaming concept in this law.

People in ghettos of any kind have a limited and limiting experience of life. If we are ever to see the time when handicapped people in any real numbers enter the professional work force; if we are really to ever see them become independent, taxpaying, self-supporting people, then their experience of the mainstream of our society should start early—in school.

During the past few months, I have been a volunteer for the Epilepsy Foundation of America. I am not representing that organization here today, but the experience of working with them has made me aware of the potential impact of this law on children with what you might call hidden handicaps

These are disabilities that aren't necessarily noticeable, like a leg brace or a wheelchair is noticeable, but which may be extremely disabling educationally.

Some children with epilepsy, for instance, suffer brief lapses of consciousness. They are over so fast you often don't know they've taken place. But they last long enough to make a child miss part of the teacher's explanation, or part of the homework assignment, or part of whatever is going on that he is supposed to be following.

In the past, children with this disability might be dismissed as inattentive or maybe just not very smart. Today, with the Education for All Handicapped Children Act, they can get medical and psychological evaluation services that may control the seizure or pinpoint the hidden problems and recommend services to compensate.

And I just want to add that when the planning process for a handicapped child's future education takes place now, it does not have to be a case of the school administrator or principal laying down the law.

As you know, Education for All Handicapped Children Act has mandated that the parents have an active role in the planning. I believe that aspect of the act is vital to counter indifference and bureaucratic bullying that some parents of handicapped children have experienced in the past at the hands of local school systems.

There may very well be some changes that need to be made to improve this law, but I hope they will be positive changes, and build on what has been achieved so far. I hope we will keep the spirit and the key elements of the law as it exists now.

I would hate to see us go back to the kind of educational experience that faced one youngster with cerebral palsy a few years ago.

This boy took some tests at school and afterward his parents were told he had an IQ of 55. Yet, today he is a college graduate with a masters degree. How could someone with an IQ of 55 do so well at college?

Well, what happened was that those test answers had to be marked on a little sheet of squares with one of those dark pencils The youngster's cerebral palsy prevented him from gaining much control over the pencil and try as he might, he just couldn't get the answers marked in the right squares. Result: A diagnosis of retardation that even now makes him grit his teeth in frustration whenever he remembers it.

I want to see our kids with handicaps, our kids with special needs, spared that kind of frustration and humiliation. I would like to see our society open up—really open up—to handicapped people. And I believe the Education for All Handicapped People Act has been a really worthwhile first step in that direction.

Thank you.

Senator **Randolph**. Thank you very, very much, Roy.

I did not comment at the outset about your professional football prowess. You, of course, played with the Steelers and you played with the Colts and you played with the Redskins.

Who do you predict will be the top team this year?

Mr. **Jefferson**. Well, I like San Diego in the American Football Conference.

Senator **Randolph**. San Diego, yes.

Mr. **Jefferson**. And the National Football Conference is going to be pretty difficult.

I would like to say our Redskins have a chance, and I really feel they do have a chance of at least making the playoffs. Dallas is a front runner there; but I think Tampa Bay has to be reckoned with also.

On that note, I would like to add that through special olympics, you have an awful lot of National Football League players and the National Football League Association that participates with many of the special children in the special olympics throughout the year in many, many activities that the Foundation has put together.

Senator **Randolph**. Roy, I didn't intend to proceed in this way, but with you at the stand, I am sure our guests will understand.

Back in the late 1920's, why, I played football at Davis and Elkins College, and we played Navy. It was a warmup game. It was hot there, about 90 degrees along the Severn River. We were able to beat Navy 2 to nothing. Of course, that was unexpected.

But did you ever hear of a college football team that could beat another team and never made a substitution? Eleven men played 60 minutes. It happened that day. We suited 16 players.

Mr. **Jefferson**. Played both ways?

Senator **Randolph**. Eleven players played the game. There was no substitution. Of course, today they are running in and out.

Mr. **Jefferson**. I think I came in at the year when they were just starting to break that down, you know, offense and defense. I played both ways in college, but I did not play the whole game. We had substitutions throughout.

Senator **Randolph**. I want to commend you for the work you have been doing. I think it is very important for men who are in the athletic world, either college or pro, to contribute as you have. You especially have with television work for those children 5 to 12; and what you say here today, I emphatically believe to be very important.

Now, you talk about what I call the mainstreaming of children.

Would you say that a handicapped child should be placed in a regular school if a special supportive services are not available?

Mr. **Jefferson**. No. There possibly could be some arrangement whereby some assistance can be met for that youngster, but I say definitely not, to just throw a youngster in a school system where there are no facilities available to assist that child. I think it would be a disadvantage to that youngster.

Senator **Randolph**. We may, Roy, send you some questions, and if you would be helpful in replying by letter to those questions.

Will that be agreeable?

Mr **Jefferson**. "Letter" meaning——

Senator **Randolph**. A letter of questions. We may have questions.

Mr. **Jefferson**. Oh. Right.

Senator **Randolph**. I am in a difficult position today. I am supposed to be somewhere else. I conducted the hearings on Monday and I was here all during that period. But I try to do the best I can with other commitments. And I do want to have the opportunity of calling a West Virginian to the stand before Senator Schweiker comes to relieve me. I am sure Senator Stafford, and perhaps others, will be able to come.

But I like what you have said. We think it is fundamental. We think that it flows from your experience, really, with children. And to have you come as an advocate of realistic programing for handicapped children is very helpful.

We thank you very much.

Mr. **Jefferson**. Thank you very much.

Senator **Randolph**. I appreciate your testimony here today and your commitment not only to your television show but also for your concern for handicapped boys and girls. This is going to help.

Mr. **Jefferson**. Thanks very much.

[The prepared statement of Mr. Jefferson follows:]

# STATEMENT ON P.L. 94-142

# THE EDUCATION FOR ALL HANDICAPPED CHILDREN ACT

PRESENTED TO

THE SENATE SUBCOMMITTEE ON THE HANDICAPPED

BY

ROY JEFFERSON

OCTOBER 3, 1979

My name is Roy Jefferson, and at present I reside in the Washington, D.C. area. I currently host the TV Show "It's Elementary", which is geared to children from ages 5 to 12. I am also very active in the community working with children in the Special Olympics Program, the Epilepsy Foundation of America and many other charitable organizations.

My previous employment was with the National Football League, playing with the Pittsburgh Steelers, the Baltimore Colts and for 6 years with the Washington Redskins.

I am grateful for the opportunity to testify here today concerning this major effort that our country is making to provide equal educational opportunity for its handicapped children.

In 1968, in Salt Lake City, Utah, I taught at a school that specialized in services to handicapped children. It was through my experiences there that I realized what potential these kids had. True, it took a lot of attention, it took a lot of time and it took a lot of skill, but the special services that we were able to offer brought children with handicaps -- and these were usually isolated, withdrawn youngsters -- to a point where they began to develop some of the skill they needed if they were ever to function in society.

Now, schools like this exist because the services it provided aren't available in the public schools. And it's true that while our kids did make progress, they were to some degree isolated from society. They had little contact with non-handicapped children, and I think they were probably held back to some degree because of it. That's why I'm strongly in favor of the mainstreaming concept in this law. People in ghettos of any kind have a limited and limiting experience of life. If we're ever to see the time when handicapped people in any real numbers enter the professional work force if we're really ever to see them become independent, tax paying, self-supporting people, then their experience of the mainstream of our society should start early -- in school.

During the past few months I've been a volunteer for the Epilepsy Foundation of America. I'm not representing that organization here today, but the experience of working with them has made me aware of the potential impact of this law on children with what you might call hidden handicaps. These are disabilities that aren't necessarily noticeable, like a leg brace or a wheelchair is noticeable, but which may be extremely disabling educationally. Some children with epilepsy, for instance, suffer brief lapses of consciousness. They're over so fast you often don't know they've taken place. But they last long enough to make a child miss part of the teacher's explanation, or part of the homework assignment, or part of whatever's going on that he's supposed to be following.

In the past children with this disability might be dismissed as inattentive or maybe just not very smart. Today, with the Education for All Handicapped Children

Act, they can get medical and psychological evaluation services that may control the seizure or pinpoint the hidden problems and recommend services to compensate. And I just want to add that when the planning process for a handicapped child's future education takes place now, it doesn't have to be a case of the school administrator or pincipal laying down the law. As you know, Education for All Handicapped Children Act has mandated that the parents have an active role in the planning. I believe that aspect of the Act is vital to counter indifference and bureaucratic bullying that some parents of handicapped children have experienced in the past at the hands of local school systems.

There may very well be some changes that need to be made to improve this law, but I hope they will be positive changes, and build on what has been achieved so far. I hope we will keep the spirit and the key elements of the law as it exists now. I would hate to see us go back to the kind of educational experience that faced one youngster with cerebral palsy a few years ago. This boy took some tests at school and afterwards his parents were told he had an I.Q. of 55. Yet today he's a college graduate with a Master's degree. How could someone with an I.Q. of 55 do so well at college? Well, what happened was that those test answers had to be marked on a sheet of little squares with one of those dark pencils. The youngster's cerebral palsy prevented him from gaining much control over the pencil and try as he might he just couldn't get the answers marked in the right squares. Result: a diagnosis of retardation that even now makes him grit his teeth in frustration whenever he remembers it.

I want to see our kids with handicaps, our kids with special needs spared that kind of frustration and humiliation. I'd like to see our society open up -- really open up -- to handicapped people. And I believe the Education for All Handicapped People Act has been a really worthwhile first step in that direction.

Thank you. . . . .

Senator **Randolph**. Thank you. Keith, would you come up, please.

Keith Smith.

Would you identify yourself for the record?

## STATEMENT OF KEITH SMITH, DIRECTOR, DIVISION OF SPECIAL EDUCATION AND STUDENT SUPPORT PROGRAMS, DEPARTMENT OF EDUCATION, CHARLESTON, W. VA.

Mr. **Smith**. I am Keith Smith, director of special education and student support systems, West Virginia Department of Education.

Senator **Randolph**. We are gratified that you have come, and if you would draw on the experiences that you have had in West Virginia, this would be helpful to the subcommittee members.

Mr. **Smith**. Senator, the prepared remarks call to your attention things that I think are critically important to special education in West Virginia, and I would like to briefly go through some of the highlights of that.

Public Law 94-142, as it is occurring in West Virginia, we feel, is significant in the State of West Virginia.

West Virginia has made substantial strides in the delivery of special education and related services to handicapped children. Since 1968-69, the number of professional personnel serving the handicapped has increased from fewer than 400 to the 1978-79 level of more than 2,200.

During that same time period the number of students served has risen from just over 6,600 to over 30,000. Although it cannot be quantified as easily, the quality and appropriateness of education and related services for the handicapped has also improved.

Much of the expansion and improvement in special education can be attributed to the influence of Public Law 94-142. However, I hasten to add that without State mandatory legislation which was passed in 1968, great financial support by the State legislature, and the aggressive action of many of our county boards of education, growth in programs for the handicapped would have been minimized.

Senator **Randolph**. Keith, are there programs now in all 55 counties?

Mr. **Smith**. Yes.

Senator **Randolph**. Thank you.

Mr. **Smith**. Without exception.

The act and its associated regulations have stood the test of implementation surprisingly well. Many, myself included, raised multitudinous questions and complaints as we waded through pages and pages of legislation followed by regulations.

At this point in time, the general wisdom of those documents stands as established fact. As Roy mentioned earlier, parent involvement, IEP's, procedural safeguards, interagency involvement, and many other pronouncements of Public Law 94-142 are now integral parts of the system providing programs to handicapped children.

The general reaction to and implementation of Public Law 94-142 has been positive in nature. The act, as you indicated earlier, is not without some problem areas, however. I would like to share with you some of the problem areas that continue to impede implementation of Public Law 94-142 in West Virginia.

As you know, the law places emphasis on SEA's to carry out the intent of the act. There are other agencies involved in the delivery of education and related services to handicapped children. In particular, I call your attention to vocational rehabilitation, vocational education, and higher education. In most cases, they have responded very admirably to their responsibilities for serving specific children.

I slip into use of the term "exceptional children" because in West Virginia, our act includes gifted as well as handicapped. So I will try to refrain from that and use only handicapped.

There are, however, some situations that exist that create problems for us and for the children needing service and for those needing training in the area of programs for the handicapped. In some instances, cooperation of the other agencies and participation by them has been limited by the historical nature of the originating legislation and vocational education is available to a select portion of regular education students.

It is also available only to a small portion of those mild-to-moderate handicapped individuals, and it is very limited in terms of availability to individuals with severe handicaps.

There are some legitimate reasons why there are limited services in vocational education. Part of those have to do with trained personnel, adequate funding, and facilities. These have limited vocational educational programming in West Virginia.

If an appropriate education is required for all handicapped children, and if a substantial number of those handicapped children need vocational education, then it logically follows that vocational education must be provided without regard to that handicapped individual's current or predicted employability in a competitive job market.

The language of the current vocational education legislation must be modified to mandate vocational education for all handicapped individuals who need it. Federal legislation should not be among the contributors to minimizing programs for the handicapped.

Similarly, the language in vocational rehabilitation legislation must be changed to mandate programs for all handicapped individuals. The manner of employability again comes into play here, because the acceptance or denial by the agency of services in some ways determines that person's employability or predicted employability in a competitive job market. Certainly, this creates a problem.

Mr. Jefferson indicated earlier he would like to see every handicapped individual able to work and find employment. There are some individuals who are not going to be able to compete on the job market. The legislation does not adequately address this issue and I understand why, at the same time, it creates a problem for us in the State.

The single greatest obstacle of the full implementation is the lack of adequate numbers of trained personnel to deliver special education and related services to handicapped children.

At this point in time there exists a need in West Virginia for more than 1,600 additional educators, if qualified personnel can be located.

The situation is further compounded by the fact that nearly 300 of the special educators in the State right now are employed on substandard certification. They are on authorization or working toward a degree at this time and have been given authorization to teach.

At this moment, I would say that there are a hundred positions open, with money there for the positions in the State of West Virginia; and we are unable to find adequate personnel to fill those positions. At a time when teacher shortages impede full implementation of Public Law 94-142, funds from the Federal Government to support teacher training programs in West Virginia, and have been reduced.

I would add that the time constraints on receiving and spending professional development funds under part D reduced the effective utilization of those dollars. They are a 1-year term, and this creates a problem in spending them because of the cycle of the funding.

Additionally, funding is needed to stimulate and initiate training programs for special education which will be adequate in number, scope and quality to demands created by Public Law 94-142.

Action is being taken at the State level. We are providing funds to assist in this area. We also need some assistance at the Federal level.

Another area that creates to myself and other persons in West Virginia, is the matter of related services. Related services are needed by children and required by the laws and regulations.

Those children who receive only related services cannot be included in the child count. There are cases where it costs a local education agency more to transport a child and provide physical therapy for a child than it does to provide education services in a classroom.

Children needing special services are handicapped and are receiving special services. Providing the services is costing the school system additional dollars, why are we not counting these children for title VI funding purposes?

Another area that presents concern to us, particularly to those at the State level, is the matter of surrogate parents. It was placed into law for a specific purpose; but we find some conflict in that it is not cited in West Virginia law. There are agencies who serve individuals without parents. There are many of the people whom we would consider surrogate parents being of benefit to those who are under the auspices of the court or other agencies and, therefore, they have an individual appointed to work for and with them. There are also some current concerns cited regarding the liability of individuals who serve as surrogate parents.

The last item is really a rather small one, but nonetheless it is one of those little things that keeps coming up over and over. This has to do with regulation as opposed to the act itself; and it is relevant to the evaluations and the necessity to notify parents of the evaluation instrument to be used prior to administering the evaluation. This creates considerable problems to our psychologists and other people in the area of evaluation. Prior to working with the child, it is frequently difficult to predict exactly which instruments you are going to need to administer to get the best results with an individual. This creates a delay in the testing process if we have to go back and give the notification again, send the child back, and that process turns over and over. So that has been a concern, and I promised some people I would share it with you; and I have fulfilled that responsibility.

I certainly thank you for the opportunity to appear before you. We in West Virginia are very blessed and proud of the fact that you have taken a great leadership role in assuring an appropriate education for the handicapped children of West Virginia and the rest of the country; and we certainly hope that we are at least in the front of the bunch as we move to full implementation of Public Law 94-142.

Senator RANDOLPH. Thank you very much, Keith.

It should be indicated in the record that you have done an excellent job in the position you hold in the special education program of our State. You have worked not only at the State level, but you have been active in the national groups that are diligently trying to make this law workable and make it helpful to parents and to children.

You spoke, Keith, of 30,000 handicapped children. Now are those children school age?

Mr. SMITH. Our legislation is 5 to 23.

Senator RANDOLPH. Five to twenty-three?

Mr. SMITH. Yes. So we would be counting 5-year-olds in that.

Senator RANDOLPH. 30,000 girls and boys?

Mr. SMITH. Yes.

Senator RANDOLPH. How many of those do you believe at the present time are being adequately or substantially served in the school programs?

Mr. SMITH. That is a very difficult question to respond to.

Senator RANDOLPH. You are making an effort, though, with those 30,000 children?

Mr. SMITH. Yes There is no question we are expending—we have spent an additional $6 million this year to initiate new programs and new positions, on top of what was already there last year. This is $6 million in State funds outside the formula that the legislature has given us, which we are making available to start the programs. We are also proposing some of those funds be made available for teacher training, because this is becoming a problem area. We had 300 positions that those $6 million translate to, positions and support moneys. Counties are having trouble filling some of them. Those are part of the hundred positions that are vacant today. We are moving some of those moneys into training moneys.

The counties are also expending moneys for transportation, and that is another area I am sure you hear from other people. Transportation does create a problem because of our topography. I probably get more phone calls about that than anything else from parents.

But I think the majority of our school districts are moving very aggressively If we can find the personnel, we are going to make, I think, a great contribution to the education of handicapped children in the near future, much greater than we are now if we can get the additional people; and we are working very diligently on that problem.

Senator **Randolph**. Then, under the law and with the cooperation of our West Virginia Legislature, the funding is there; is that correct?

Mr. **Smith**. I think that the funding is—anyone can always use more money; there is no question about that. But with the support that we have been receiving from the State, it has made it much easier, perhaps, for us than some other States. But I think with the funding we are receiving and the training programs as they are progressing, I think we are moving as fast as we are able to at this time. Because of training, it takes a period of time to get people turned out.

Senator **Randolph**. How many teachers in our public school system in West Virginia are teaching handicapped children?

Mr. **Smith**. How many teachers have a handicapped child in the class?

Senator **Randolph**. Yes.

Mr. **Smith**. Senator, I have no specific data on that. As I said, we have about 2,000 teachers in special education. I don't know. Off the cuff, I would say half the teachers in the State have handicapped children in the class sometime during the day.

Senator **Randolph**. They are in the special education teaching program somewhere; is that correct?

Mr. **Smith**. They are? No. I am saying regular teachers in the class. They may have received in-service training or some degree of specialization, but not a complete program of specialization.

Senator **Randolph**. How many fully trained teachers do you have?

Mr. **Smith**. How many fully trained?

Senator **Randolph**. Yes.

Mr. **Smith**. 1,900.

Senator **Randolph**. What is the total number of our teaching force?

Mr. **Smith**. 23,000. We have 2,200 of those teaching handicapped; another 150 or so are in gifted education. So we have one-tenth teaching force or better in special education. That has increased by about 300 a year for the last 3 years.

Senator **Randolph**. How many more do you need?

Mr. **Smith**. This is, as we know it right now, if we had all of the resource people—I am talking about physical therapists and other people, audiologists and all the people that we feel that the counties and ourselves have projcted—we would need approximately another 1,600 teachers and special education personnel.

I would like to call your attention—there is need to increase the number of counselors and social workers in the program because of their intensive involvement with handicapped individuals. So this creates demands for additional counselors and social workers and health service personnel.

It is not just teachers of the handicapped. We have a shortage of school psychologists in the State; we have a shortage in many areas.

**Senator Randolph.** As of yesterday, there were 43,000 schoolteachers in the public school system in the United States on strike. Maybe we could call a few to West Virginia.

**Mr. Smith.** If there are any of them trained in behavioral disorders, learning disabilities, we have a large void in West Virginia.

**Senator Randolph.** Keith, again, I thank you for the work that you and others are doing in West Virginia. I think generally our people did not resist this law. There are some places where, frankly, there was a resistance to this law; but I don't believe that took place in West Virginia. There were problems.

**Mr. Smith.** There was a little hesitance because of the resources.

**Senator Randolph.** That is true; the money involved and all of the problems you mentioned. But I am gratified with the work that has been done and we just hope that we will be able to do better.

You will do better, if you have a better supply, a larger supply of those teachers. And as for your leadership, we know about it, and we commend you for it.

Now, if you wish to add some special information, you can provide it to us for the record; we will be happy to have that. It will be helpful. We shall also send some questions in writing to you, Keith.

Now, we are a neighbor of the Commonwealth of Pennsylvania, and I am not going to let you leave the stand, even though I have to go to another hearing. But you never know what a Pennsylvanian will ask a West Virginian. You never know.

Richard Schweiker is a member of our subcommittee. And, Dick, we are very grateful that you will take over at this time, and I know our colleague, Senator Stafford, hopes to come also. So if you will proceed with the hearing and the calling of other witnesses, or if you want to speak further in reference to Keith Smith's testimony, that would be agreeable.

But, thanks again, Keith, for coming.

Senator Schweiker [now presiding]. I want to thank you, Mr. Smith. I heard the last part of the testimony and I have no further questioning. I know that Senator Randolph does an excellent job on questions anyway, and I would not want to be redundant.

In this case, Pennsylvania, like West Virginia, agrees completely in school matters.

**Mr. Smith.** Thank you.

[The prepared statement of Mr. Smith and responses to questions of Senator Randolph, with attachments, follow:]

# TESTIMONY PRESENTED
# TO THE
# SUBCOMMITTEE ON THE HANDICAPPED

October 3, 1979

by

Keith C. Smith, Director
Division of Special Education and Student Support Systems
West Virginia Department of Education

Chairman Randolph and members of the Subcommittee on the Handicapped, it is an honor and privilege to appear before you to share a portion of my perceptions of the implementation of P.L. 94-142 as it is occurring in West Virginia. It is not my intent to compare the quantity or quality of implementation in West Virginia to other states. My intent is to relate to you those developments that are important for our State.

West Virginia has made substantial strides in the delivery of special education and related services to handicapped children. Since 1968-69, the number of professional personnel serving the handicapped has increased from fewer than 400 to the 1978-79 level of more than 2200. During that same time period the number of students served has risen from just over 6,600 to over 30,000. Although it cannot be quantified as easily, the quality and appropriateness of education and related services for the handicapped has also improved.

Much of the expansion and improvement in special education can be attributed to the influence of P.L. 94-142. However, I hasten to add that without state mandatory legislation which was passed in 1968, great financial support by the state legislature, and the aggressive action of many of our county boards of education; growth in programs for the handicapped would have been minimized.

The Act and it's associated regulations have stood the test of implementation surprisingly well. Many, myself included, raised multitudinous questions and complaints as we waded through pages and pages of legislation followed by regulations. At this point in time, the general wisdom of those documents stand as established fact. Parent involvement, IEPs, procedural safeguards, interagency involvement, and many other pronouncements of P.L. 94-142 are now integral parts of the system providing programs to handicapped children.

The general reaction to and implementation of P.L. 94-142 has been positive in nature. The Act is not without some problem areas, however. I would like to share with you some of the problem areas that continue to impede implementation of P.L. 94-142 in West Virginia. The first reactions will address some broad problem areas—followed by more specific concerns.

P.L. 94-142 places responsibility on the State Education Agency (SEA) to assure that appropriate special education and related services are provided to all handicapped children. There are no exception for the educational agency. However, other agencies and institutions have critical roles, directly and indirectly, in determining the degree to which the SEA and the Local Education Agency (LEA) can effectively respond to the mandates of the Act.

The primary pieces of legislation influencing the policies and practices of Vocational Rehabilitation, Vocational Education, and Higher Education do not contain corresponding mandatory language that would eliminate less than adequate or perfunctory response to the needs of SEAs and LEAs to meet the requirements of P.L. 94-142. In most situations the response of Vocational Rehabilitation, Vocational Education, and Higher Education has been admirable. There are some situations where full cooperation and participation involving certain populations of children and needs for trained personnel have not been given. Where cooperation and participation are absent, major problems arise for the children and for those of us who must assure that an appropriate education is being provided.

By the historical nature of its orginiating legislation, Vocational Education is available to a selected portion of regular education students; it is available to only a small percentage of those children with mild to moderate handicaps; and Vocational Education is virtually non-existent for those children with severe handicaps. There are some legitimate reasons such as trained personnel, adequate funding and facilities that have limited vocational education programming for the handicapped.

If an appropriate education is required for all handicapped children; and if a substantial number of those handicapped children need vocational education; then it logically follows that vocational education must be provided without regard to that handicapped individuals current or predicted employability on the competitive job market. The language of the current Vocational Education legislation must be modified to mandate vocational education for all handicapped individuals who need it. Federal legislation should not be among the contributors to minimizing programs for the handicapped.

Similarly, the language of the Vocational Rehabilitation legislation must be changed to mandate programs to all handicapped who need such programs. Employability is again the criteria applied to determine which handicapped individuals will become clients and which will not. It seems strange to me that an agency which was established for the sole purpose of serving the handicapped has the discretion of excluding handicapped individuals from their programs—while education, which has a broader mission, must serve all handicapped children.

The single greatest obstacle to the full implementation is the lack of adequate numbers of trained personnel to deliver special education and related services to handicapped children. At this point in time there exists a need in West Virginia for more than 1600 additional educators - if qualified personnel could be located. The situation is further compounded by the fact that nearly 300 of the special educators now employed have sub-standard certification.

At a time when teacher shortages impede the full implementation of P.L. 94-142, funds flowing from the Federal Government to support teacher training programs in West Virginia have been reduced. I would add that the time constraints on receiving and expending Professional Development funds reduces the effective utilization of those dollars.

Changes in legislation and funding are needed to stimulate the initiation and expansion of training programs for special education which will be adequate in number, scope and quality to meet demands created by P.L. 94-142. Action is being taken at the State level to lessen this supply and demand problem. A Federal push must also be launched.

While related services are needed by the children and required by law and regulations, those children who receive only relates services cannot be included in the Child Count. There are cases where it is costing more for an LEA to pay for special transportation or physical therapy than it costs to provide educational services to other handicapped children in a classroom. Children needing related services are handicapped, they are receiving special services, providing those services is costing the school system additional dollars; why then are we not counting these children for Title VI-B funding purposes?

A more specific concern has to do with the issue of surrogate parents. Surrogate parents as far as West Virginia is concerned, is solely a product of P.L. 94-142. The functions of the surrogate parent are generally assigned to individuals by the Courts or programs required under State law or regulations. In cases where a parent is not available, a person is working on behalf of the child and performing the role of the surrogate parent. In addition to the duplication of roles already addressed, no clear statement exists in State law as to the legal responsibilities assumed by an individual who would serve as a surrogate parent. Does an individual who has acted as a surrogate parent run the risk of being sued at a later time for action that individual took or failed to take in the role of surrogate parent? The questions of liability and necessity of surrogate parents may merit review and possible revision.

The last item relates to Section 121a 505(3) of the Regulations. This section has been interpreted to mean that parents must be notified of and given prior written consent to each evaluation, test, record or report which will be utilized in the evaluation. Because appropriate evaluation instruments cannot always be selected prior to working with the child, it is inefficient and unfair to pre-determine what instruments to use. It would be of greater benefit is this section could be changed so that each type of evaluation (i.e. cognitive, motor, perceptual, etc.) could be specified and agreed to by parents, without specifying each test/procedure.

Thank you for the opportunity to appear before you.

QUESTIONS FOR KEITH SMITH

1. YOU STATE THAT YOU HAVE A SHORTAGE OF APPROXIMATELY 1600 EDUCATORS IN WEST VIRGINIA. COULD YOU GIVE THE SUBCOMMITTEE A BREAKDOWN OF WHAT SPECIAL EDUCATION SPECIALTIES ARE REPRESENTED IN THIS FIGURE?
2. COULD YOU TELL US ABOUT WEST VIRGINIA'S EFFORTS IN THE AREA OF INSERVICE TRAINING OF REGULAR EDUCATORS?
3. IT IS MY UNDERSTANDING THAT YOUR AGENCY HAS A TOLL FREE NUMBER FOR PARENTS TO CALL IF THEY HAVE A PROBLEM WITH THEIR CHILD'S SPECIAL EDUCATION PROGRAM. IS THIS SERVICE AVAILABLE ON A 24 HOUR A DAY BASIS?

QUESTIONS FOR KEITH SMITH

1. See Attachment "A" for calculations of additional personnel needed in special education to provide appropriate services to all handicapped children.

   Attachment "A" was calculated based upon incidence figures and average case loads as allowed in the West Virginia Standards for the Education of Exceptional Children. (Attachment E)

   Position Requests, 1979 (Attachment B) is a compilation of the special education positions requested by the counties in their annual county plan document. Please note this count includes gifted due to the fact that legislation in West Virginia is inclusive of gifted children under the title of "exceptional children."

2. Inservice training of regular educators is primarily accomplished through the continuing education program. A systematic procedure is utilized in each of the counties to identify training needs. State special education funds are provided to counties to assist in financing local inservice training related to special education.

   Attachment "C" shows the distribution of funds from special education account number 2960-07 for continuing education.

3. The Department maintains a toll free telephone number, 1-800-642-8541 for the use of parents in obtaining information or voicing a complaint. The service is available on all working days, Monday-Friday, between the hours of 8:15 a.m. and 4:45 p.m.

Note: Attachment "E" may be found in the files of the Subcommittee.

STATE LEVEL PERSONNEL - IEP

1. IS EACH INDIVIDUALIZED EDUCATION PROGRAM DEVELOPED FOR A HANDICAPPED CHILD UNIQUE, OR IS THERE A "MASTER" IEP FORM WHICH TEACHERS, PRINCIPALS AND OTHER PARTICIPANTS ARE ENCOURAGED TO USE?
2. ARE THERE ANY PATTERNS IN DISAGREEMENTS BETWEEN PARENTS AND EDUCATORS IN THE DEVELOPMENT AND IMPLEMENTATION OF IEP'S?
3. HAVE YOU ENCOUNTERED ANY DEMAND FOR IEP'S FOR NONHANDICAPPED STUDENTS IN YOUR STATE?

STATE LEVEL PERSONNEL - IEP

1. Each student's IEP is a unique document which is developed consistent with the evaluative data. The format for IEPs will differ from county to county and across regions. An IEP in West Virginia consists of two parts: The Total Service Plan and the Implementation/Instructional Plan. Information on these two parts of the IEP can be found in Section 400 - Placement and Section 500 - Instruction in the Standards for the Education of Exceptional Children which can be found in Attachment "E."

2. The two areas in which much disagreement seems to surface are the provision of door to door transportation and provision of related services. Although other areas of conflict arise, these seem to be the most consistent problematic areas.

3. There has been a great deal of comment about IEPs for non-handicapped students but no official action has been taken on this matter.

Note: Attachment "E" may be found in the files of the Subcommittee.

STATE LEVEL PERSONNEL - FUNDING

1. DOES YOUR STATE BUDGET PLANNING CYCLE TAKE PLACE PRIOR TO FINAL APPROVAL OF YOUR 94-142 STATE PLAN? IF SO, WHAT EFFECT DOES LATE RECEIPT OF A FIRM FEDERAL GRANT COMMITMENT HAVE ON EFFECTIVE PROGRAM PLANNING AND EXPANSION OF PROGRAMS FOR HANDICAPPED CHILDREN?
2. WHAT EFFECT DO YOU FEEL THE "PROPOSITION 13 MOVEMENT" HAS HAD ON THE SPECIAL EDUCATION SERVICES AND RELATED SERVICES AVAILABLE TO HANDICAPPED CHILDREN?
3. WHAT PROPORTION OF YOUR TOTAL SPECIAL EDUCATION BUDGET IS CURRENTLY USED TO PAY PRIVATE PLACEMENT COSTS? ARE OTHER AGENCIES SHARING THESE COSTS WITH THE EDUCATION AGENCY? IF SO, TO WHAT DEGREE ARE THESE AGENCIES SHARING COSTS?
4. WHAT PROPORTION OF YOUR SPECIAL EDUCATION EXCESS COSTS ARE PROVIDED FROM LOCAL, STATE AND FEDERAL SOURCES?

## STATE LEVEL PERSONNEL - FUNDING

1. The budget planning cycle for state funds takes place prior to the approval of the Annual Program Plan. This obviously causes difficulties for the LEAs and our own office in carrying out realistic planning and budgeting procedures.

2. The "Proposition 13 Movement" has not had a great impact on our services. Pure inflation has played a more significant role in the erosion of dollars for student services.

3. (a) It is estimated that $600,000 has been used to pay out-of-state private placement costs of handicapped children from West Virginia.

   (b) Other agencies such as the Department of Welfare share some of this cost for out-of-state private placement. Their funds generally cover costs of housing or medical services.

   (c) We are unable to respond to this question due to the lack of financial data from other agencies.

4. Our best estimate on distribution of funds is as follows:

   75% State
   10% Local
   15% Federal

STATE LEVEL PERSONNEL - SECONDARY SCHOOL

1. A 1979 REPORT BY THE HEW INSPECTOR GENERAL FOUND IN SCHOOL DISTRICTS SURVEYED THAT..."SPECIAL EDUCATION PROGRAMS WERE WEAK AT THE JUNIOR HIGH AND HIGH SCHOOL LEVELS." IN YOUR JUDGMENT, HOW DOES THIS FINDING RELATE TO THE SECONDARY CURRICULUM IN YOUR STATE? WHAT TYPES OF VOCATIONAL EDUCATION PROGRAMS DO YOU HAVE TO ENABLE NON-COLLEGE BOUND HANDICAPPED STUDENTS TO BECOME EMPLOYABLE MEMBERS OF THE LABOR FORCE?
2. PLEASE DESCRIBE HOW YOUR STATE DEPARTMENT OF EDUCATION AND THE VOCATIONAL REHABILITATION AGENCY IN YOUR STATE COOPERATE TO ENSURE THAT SECONDARY LEVEL HANDICAPPED INDIVIDUALS HAVE A SMOOTH TRANSITION TO EMPLOYMENT AND/OR FURTHER SCHOOLING?
3. WHAT TYPE OF GRADUATION CERTIFICATION IS PROVIDED FOR HANDICAPPED INDIVIDUALS IN YOUR STATE?

## STATE LEVEL PERSONNEL - SECONDARY SCHOOL

1. (a) Special education programs are not as well established at the secondary level as they are at the elementary level. This is due primarily to a longer history of services at the elementary level and differences in the training of elementary personnel.

   (b) There is a variety of specially designed programs for non-college bound handicapped students and many handicapped individuals participate in regular vocational education programs. However, many additional opportunities are needed to provide vocational skills to the handicapped children in West Virginia.

2. County directors of special education involve vocational rehabilitation personnel in the writing of the IEPs in those situations where the student will be served in some way by vocational rehabilitation. This is done with the approval of the parent for the involvement of another agency.

3. The special education student receives the same graduation diploma as a non-special education student and is required to satisfactorily complete the same number of units for graduation.

STATE LEVEL PERSONNEL - DUE PROCESS

1. HOW MANY DUE PROCESS COMPLAINTS HAVE BEEN FILED IN YOUR STATE SINCE PUBLIC LAW 94-142 WENT INTO EFFECT? HOW MANY WERE RESOLVED BY INFORMAL MEDIATION? HOW MANY DUE PROCESS HEARINGS HAVE BEEN HELD? HOW MANY DECISIONS WERE APPEALED? HOW MANY DECISIONS WERE DECIDED IN FAVOR OF THE PARENTS? THE SCHOOL DISTRICT?
2. ARE THERE ARE PATTERNS IN DUE PROCESS COMPLAINTS IN YOUR STATE?

## STATE LEVEL PERSONNEL - DUE PROCESS

1. (a) & (b) The State procedures for due process do not require mediation prior to conducting the due process hearing so we have no data on the number of complaints made to the LEAs or the number resolved through informal mediation.

   (c) There have been 12 hearings held.

   (d) Four hearings were appealed.

   (e) Two hearings were decided in favor of the parents.

   (f) One hearing was decided in favor of the county.
   Five hearings were resolved before the decision was rendered.

2. Complaints have been in relation to placement and transportation.

ATTACHMENT "A"

## SUMMARY OF ADDITIONAL TEACHERS NEEDED
in
Special Education
West Virginia Department of Education

| | |
|---|---|
| Behavioral Disorders | 923.2 |
| Gifted | 187.9 |
| Hearing Impaired (Deaf & Hard of Hearing) | 272.3 |
| Physically Handicapped (Health Imapired & Homebound) | 130.4 |
| Mental Retardation | 30.8 |
| Speech and Language | 44.7 |
| Learning Disabilities | 57.5 |
| Visually Handicapped | 11.0 |
| TOTAL | 1657.8 |

## BEHAVIORAL DISORDERS

| | Net Enrollment | Present # Students Served | Present # of Teachers | Present Average Caseload | Projected # of Students (2%) | Projected # of Trs. (7.3) | Projected # Additional Trs. Needed |
|---|---|---|---|---|---|---|---|
| Barbour | 3,513 | 0 | 0 ** | 0 | 70 | 9.6 | 9.6 |
| Berkeley | 9,329 | 21 | 3 | 7.0 | 187 | 25.6 | 22.6 |
| Boone | 6,526 | 0 | 1 | 0 | 131 | 17.9 | 16.9 |
| Braxton | 3,009 | 1 | 1 | 1.0 | 60 | 8.2 | 7.2 |
| Brooke | 5,713 | 13 | 2 | 6.5 | 114 | 15.6 | 13.6 |
| Cabell | 18,278 | 59 | 8 | 7.4 | 366 | 50.1 | 42.1 |
| Calhoun | 1,874 | 3 | 0 ** | 0 | 38 | 5.2 | 5.2 |
| Clay | 2,682 | 0 | 0 ** | 0 | 54 | 7.3 | 7.3 |
| Doddridge | 1,613 | 10 | 1 | 10.0 | 32 | 4.4 | 3.4 |
| Fayette | 12,015 | 0 | 0 ** | 0 | 240 | 32.8 | 32.8 |
| Gilmer | 1,556 | 0 | 0 ** | 0 | 31 | 4.2 | 4.2 |
| Grant | 2,136 | 0 | 0 ** | 0 | 43 | 5.9 | 5.9 |
| Greenbrier | 7,706 | 0 | 0 ** | 0 | 154 | 21.1 | 21.1 |
| Hampshire | 3,077 | 17 | 2 | 8.5 | 62 | 8.5 | 6.5 |
| Hancock | 7,656 | 0 | 0 ** | 0 | 153 | 20.9 | 20.9 |
| Hardy | 2,071 | 31 | 1 | 31.0 | 41 | 5.6 | 4.6 |
| Harrison | 14,596 | 30 | 4 | 7.5 | 292 | 40.3 | 36.3 |
| Jackson | 5,757 | 0 | 0 ** | 0 | 115 | 15.8 | 15.8 |
| Jefferson | 5,945 | 5 | 2 | 2.5 | 119 | 16.3 | 14.3 |
| Kanawha | 41,217 | 167 | 61 | 2.7 | 824 | 112.9 | 51.9 |
| Lewis | 3,675 | 8 | 1 | 8.0 | 74 | 10.1 | 9.1 |
| Lincoln | 5,376 | 4 | 1 | 4.0 | 108 | 14.8 | 13.8 |
| Logan | 10,941 | 0 | 0 ** | 0 | 219 | 30.0 | 30.0 |
| Marion | 11,618 | 5 | 1 | 5.0 | 232 | 31.8 | 30.8 |
| Marshall | 7,982 | 8 | 1 | 8.0 | 160 | 21.9 | 20.9 |
| Mason | 5,318 | 6 | 1 | 6.0 | 106 | 14.5 | 13.5 |
| Mercer | 14,106 | 13 | 2 | 6.5 | 282 | 38.6 | 36.6 |
| Mineral | 5,587 | 29 | 6 | 4.8 | 112 | 15.3 | 9.3 |
| Mingo | 9,342 | 0 | 0 ** | 0 | 187 | 25.6 | 25.6 |
| Monongalia | 10,488 | 44 | 4 | 11.0 | 210 | 28.8 | 24.8 |
| Monroe | 2,467 | 0 | 0 ** | 0 | 49 | 6.7 | 6.7 |
| Morgan | 2,235 | 2 | 0 ** | 0 | 45 | 6.2 | 6.2 |
| McDowell | 12,097 | 1 | 1 | 1.0 | 242 | 33.0 | 32.0 |
| Nicholas | 6,166 | 2 | 0 ** | 0 | 122 | 16.7 | 16.7 |
| Ohio | 8,309 | 30 | 3 | 10.0 | 166 | 22.7 | 19.7 |
| Pendleton | 1,575 | 0 | 0 ** | 0 | 32 | 4.4 | 4.4 |
| Pleasants | 1,825 | 0 | 0 ** | 0 | 37 | 5.1 | 5.1 |
| Pocahontas | 2,031 | 0 | 0 ** | 0 | 41 | 5.6 | 5.6 |
| Preston | 6,388 | 4 | 1 | 4.0 | 128 | 17.5 | 16.5 |
| Putnam | 8,051 | 13 | 2 | 6.5 | 161 | 22.1 | 20.1 |
| Raleigh | 17,495 | 21 | 3 | 7.0 | 350 | 47.9 | 44.9 |
| Randolph | 5,761 | 0 | 0 ** | 0 | 115 | 15.8 | 15.8 |
| Ritchie | 2,174 | 0 | 0 ** | 0 | 44 | 6.0 | 6.0 |
| Roane | 3,196 | 0 | 0 ** | 0 | 64 | 8.8 | 8.8 |
| Summers | 2,757 | 0 | 0 ** | 0 | 55 | 7.5 | 7.5 |
| Taylor | 3,337 | 0 | 0 ** | 0 | 67 | 9.2 | 9.2 |
| Tucker | 1,781 | 0 | 0 ** | 0 | 36 | 4.9 | 4.9 |
| Tyler | 2,561 | 0 | 1 | 0 | 51 | 7.0 | 6.0 |
| Upshur | 4,481 | 1 | 0 ** | 0 | 90 | 12.3 | 12.3 |
| Wayne | 10,076 | 10 | 2 | 5.0 | 202 | 27.6 | 25.6 |
| Webster | 2,758 | 0 | 0 ** | 0 | 51 | 7.0 | 7.0 |
| Wetzel | 4,891 | 0 | 0 ** | 0 | 98 | 13.4 | 13.4 |
| Wirt | 1,221 | 0 | 0 ** | 0 | 24 | 3.3 | 3.3 |
| Wood | 18,873 | 64 | 7 | 9.1 | 378 | 51.8 | 44.8 |
| Wyoming | 8,793 | 4 | 0 ** | 0 | 176 | 24.1 | 24.1 |
| TOTAL | 382,001 | 626 | 123 | *5.1 | 7,640 | 1045.9 | +923.2 |

*Total State Average

** Counties offering no services (28)

BEST AVAILABLE COPY

GIFTED

| | Net Enrollment | Present # Students Served | Present # of Teachers | Present Average Caseload | Projected # of Students 22 | Projected # of Trs. 25 | Projected # Additional Trs. Needed |
|---|---|---|---|---|---|---|---|
| arbour | 3,513 | 56 | 1 | 56.0 | 70 | 2.8 | 1.8 |
| arkeley | 9,329 | 86 | 3 | 28.7 | 187 | 7.5 | 4.5 |
| oone | 6,526 | 77 | 5 | 15.4 | 131 | 5.2 | .2 |
| raxton | 3,009 | 44 | 3 | 14.7 | 60 | 2.4 | 0 (-.6) |
| rooke | 5,713 | - | 2 | - | 114 | 4.6 | 2.6 |
| abell | 18,278 | 806 | 18 | 44.8 | 366 | 14.6 | 0 (-3.4) |
| alhoun | 1,874 | 0 | 0 ** | 0 | 38 | 1.5 | 1.5 |
| lay | 2,682 | 0 | 1 | - | 56 | 2.2 | 1.2 |
| oddridge | 1,613 | 11 | 1 | 11.0 | 33 | 1.3 | .3 |
| ayette | 12,015 | 0 | 0 ** | 0 | 240 | 9.6 | 9.6 |
| ilmer | 1,556 | 0 | 0 ** | 0 | 31 | 1.2 | 1.2 |
| rant | 2,136 | 0 | 0 ** | 0 | 43 | 1.7 | 1.7 |
| reenbrier | 7,706 | 0 | 0 ** | 0 | 154 | 6.2 | 6.2 |
| ampshire | 3,077 | 50 | 2 | 25.0 | 62 | 2.5 | .5 |
| ancock | 7,656 | 0 | 0 ** | 0 | 153 | 6.1 | 6.1 |
| ardy | 2,071 | 52 | 2 | 26.0 | 41 | 1.6 | 0 (-.4) |
| arrison | 14,596 | 29 | 2 | 14.5 | 292 | 11.7 | 9.7 |
| ackson | 5,757 | 17 | 1 | 17.0 | 115 | 4.6 | 3.6 |
| Jefferson | 5,945 | 0 | 0 ** | 0 | 119 | 4.8 | 4.8 |
| anawha | 41,217 | 427 | 12 | 35.6 | 824 | 33.0 | 21.0 |
| ewis | 3,675 | 6 | 1 | 6.0 | 74 | 3.0 | 2.0 |
| incoln | 5,376 | 70 | 6 | 11.7 | 108 | 4.3 | .3 |
| ogan | 10,941 | 0 | 0 ** | 0 | 219 | 8.8 | 8.8 |
| arion | 11,618 | 0 | 0 ** | 0 | 232 | 9.3 | 9.3 |
| arshall | 7,982 | 0 | 0 ** | 0 | 160 | 6.4 | 6.4 |
| ason | 5,318 | 56 | 2 | 28.0 | 106 | 4.2 | 2.2 |
| ercer | 14,106 | 131 | 7 | 18.7 | 282 | 11.3 | 4.3 |
| ineral | 5,587 | - | 4 | - | 112 | 4.5 | .5 |
| ingo | 9,342 | 0 | 0 ** | 0 | 187 | 7.5 | 7.5 |
| onongalia | 10,488 | 80 | 3 | 26.7 | 210 | 8.4 | 5.4 |
| onroe | 2,467 | 49 | 2 | 24.5 | 49 | 2.0 | 0 |
| organ | 2,235 | 0 | 0 ** | 0 | 45 | 1.8 | 1.8 |
| cDowell | 12,097 | 7 | 2 | 3.5 | 242 | 9.7 | 7.7 |
| icholas | 6,166 | 0 | 0 ** | 0 | 123 | 4.9 | 4.9 |
| hio | 8,309 | 725 | 1 | 725 | 166 | 6.6 | 5.6 |
| endleton | 1,575 | 0 | 0 ** | 0 | 32 | 1.3 | 1.3 |
| leasants | 1,825 | 41 | 1 | 41.0 | 37 | 1.5 | .5 |
| ocahontas | 2,031 | - | 1 | - | 41 | 1.6 | .6 |
| reston | 6,388 | 16 | 1 | 16.0 | 128 | 5.1 | 4.1 |
| utnam | 8,051 | 71 | 2 | 35.5 | 161 | 6.4 | 4.4 |
| aleigh | 17,495 | 82 | 3 | 27.3 | 350 | 14.0 | 11.0 |
| andolph | 5,761 | 12 | 1 | 12.0 | 115 | 4.6 | 3.6 |
| itchie | 2,174 | 29 | 1 | 29.0 | 44 | 1.8 | .8 |
| oane | 3,196 | 24 | 2 | 12.0 | 64 | 2.6 | .6 |
| ummers | 2,757 | 9 | 1 | 9.0 | 55 | 2.2 | 1.2 |
| aylor | 3,337 | 94 | 4 | 23.5 | 67 | 2.7 | 0 (-1.3) |
| ucker | 1,781 | 13 | 1 | 13.0 | 36 | 1.4 | .4 |
| yler | 2,561 | 61 | 7 | 8.7 | 51 | 2.0 | 0 (-5.0) |
| pshur | 4,481 | 84 | 4 | 21.0 | 90 | 3.6 | 0 (-.4) |
| ayne | 10,076 | 125 | 3 | 41.7 | 202 | 8.1 | 5.1 |
| ebster | 2,758 | 24 | 2 | 12.0 | 55 | 2.2 | .2 |
| etzel | 4,891 | 0 | 0 ** | 0 | 98 | 3.9 | 3.9 |
| irt | 1,221 | 11 | 1 | 11.0 | 24 | 1.0 | 0 |
| ood | 18,873 | 191 | 4 | 47.8 | 378 | 15.1 | 11.1 |
| yoming | 8,793 | 0 | 0 ** | 0 | 176 | 7.0 | 7.0 |
| OTAL | 382,001 | 3666 | 118 | *31.1 | 7642 | 105.9 | +199.0 -11.1<br>=+187.9 |

*Total State Average

** Counties offering no services (16)

752

BEST AVAILABLE COPY

## HEARING IMPAIRED
## (DEAF AND HARD OF HEARING)

| | Net Enrollment | Present # Students Served | Present # of Teachers | Present Caseload Average | (79) Projected # of Students | Projected # of Trs.(8.6) | Projected # Additional Trs. Needed |
|---|---|---|---|---|---|---|---|
| arbour | 3,513 | 0 | 0** | 0 | 25 | 2.9 | 2.9 |
| arkeley | 9,329 | 9 | 2 | 4.5 | 65 | 7.6 | 5.6 |
| oone | 6,526 | 6 | 1 | 6.0 | 46 | 5.3 | 4.3 |
| raxton | 3,009 | 2 | 0** | -- | 21 | 2.4 | 2.4 |
| rooke | 5,713 | 3 | 0** | -- | 40 | 4.7 | 4.7 |
| abell | 18,278 | 21 | 3 | 7.0 | 128 | 14.9 | 11.9 |
| alhoun | 1,874 | 4 | 0** | -- | 13 | 1.5 | 1.5 |
| lay | 2,682 | 1 | 1 | 1.0 | 19 | 2.2 | 1.2 |
| oddridge | 1,613 | 5 | 0** | -- | 11 | 1.3 | 1.3 |
| ayette | 12,015 | 2 | 1 | 2.0 | 84 | 9.8 | 8.8 |
| ilmer | 1,556 | 0 | 0** | 0 | 11 | 1.3 | 1.3 |
| rant | 2,136 | 5 | 1 | 5.0 | 15 | 1.7 | .7 |
| reenbrier | 7,706 | 3 | 1 | 3.0 | 54 | 6.3 | 5.3 |
| ampshire | 3,077 | 3 | 0** | -- | 22 | 2.6 | 2.6 |
| ancock | 7,656 | 0 | 0** | 0 | 54 | 6.3 | 6.3 |
| ardy | 2,071 | 2 | 0** | -- | 15 | 1.7 | 1.7 |
| arrison | 14,596 | 5 | 1 | 5.0 | 102 | 11.9 | 10.9 |
| ackson | 5,757 | 5 | 0** | -- | 40 | 4.7 | 4.7 |
| efferson | 5,945 | 0 | 0** | 0 | 42 | 4.9 | 4.9 |
| anawha | 41,217 | 40 | 5 | 8.0 | 289 | 33.6 | 28.6 |
| ewis | 3,675 | 2 | 0** | -- | 26 | 3.0 | 3.0 |
| incoln | 5,376 | 9 | 2 | 4.5 | 38 | 4.4 | 2.4 |
| ogan | 10,941 | 6 | 1 | 6.0 | 77 | 9.0 | 8.0 |
| arion | 11,618 | 8 | 2 | 4 | 81 | 9.4 | 7.4 |
| arshall | 7,982 | 23 | 1 | 23.0 | 56 | 6.5 | 5.5 |
| ason | 5,318 | 7 | 1 | 7.0 | 37 | 4.3 | 3.3 |
| ercer | 14,106 | 3 | 1 | 3.0 | 99 | 11.5 | 10.5 |
| ineral | 5,587 | 0 | 1 | -- | 39 | 4.5 | 3.5 |
| ingo | 9,342 | 2 | 0** | -- | 65 | 7.6 | 7.6 |
| onongalia | 10,488 | 11 | 2 | 5.5 | 73 | 8.5 | 6.5 |
| onroe | 2,467 | 5 | 1 | 5.0 | 17 | 2.0 | 1.0 |
| organ | 2,235 | 10 | 0** | -- | 16 | 1.9 | 1.9 |
| cDowell | 12,097 | 12 | 1 | 12.0 | 85 | 9.9 | 8.9 |
| icholas | 6,166 | 0 | 0** | 0 | 43 | 5.0 | 5.0 |
| hio | 8,309 | 8 | 1 | 8.0 | 58 | 6.7 | 5.7 |
| endleton | 1,575 | 1 | 0** | 1.0 | 11 | 1.3 | 1.3 |
| leasants | 1,825 | 1 | 1 | 1.0 | 13 | 1.5 | .5 |
| ocahontas | 2,031 | 4 | 0** | -- | 14 | 1.6 | 1.6 |
| reston | 6,388 | 3 | 0** | -- | 45 | 5.2 | 5.2 |
| utnam | 8,051 | 0 | 1 | -- | 56 | 6.5 | 5.5 |
| aleigh | 17,495 | 10 | 2 | 5.0 | 123 | 14.3 | 12.3 |
| andolph | 5,761 | 7 | 0** | -- | 40 | 4.7 | 4.7 |
| itchie | 2,174 | 0 | 0** | 0 | 15 | 1.7 | 1.7 |
| oane | 3,196 | 0 | 0** | 0 | 22 | 2.6 | 2.6 |
| ummers | 2,757 | 0 | 0** | 0 | 19 | 2.2 | 2.2 |
| aylor | 3,337 | 4 | 1 | 4.0 | 23 | 2.7 | 1.7 |
| ucker | 1,781 | 0 | 1 | -- | 13 | 1.5 | .5 |
| yler | 2,561 | 2 | 0** | -- | 18 | 2.1 | 2.1 |
| pshur | 4,481 | 0 | 0** | 0 | 31 | 3.6 | 3.6 |
| ayne | 10,076 | 77 | 0** | -- | 71 | 8.3 | 8.3 |
| ebster | 2,758 | 0 | 0** | 0 | 19 | 2.2 | 2.2 |
| etzel | 4,891 | 5 | 1 | 5.0 | 34 | 4.0 | 3.0 |
| irt | 1,221 | 0 | 0** | 0 | 9 | 1.0 | 1.0 |
| ood | 18,873 | 21 | 2 | 10.5 | 132 | 15.3 | 13.3 |
| yoming | 8,793 | 4 | 0** | -- | 62 | 7.2 | 7.2 |
| OTAL | 382,001 | 361 | 39 | *9.3 | 2,676 | 311.3 | *272.3 |

*Total State Average

** Counties offering no services (28)

## Physically Handicapped
## other Health Impaired and Homebound

| | Net Enrollment | Present Students Served | Present # of Teachers | Present Average Caseload | Projected # of Students (.6%) | Projected # of Trs. (12.3) | Projected # Additional Trs. Needed |
|---|---|---|---|---|---|---|---|
| arbour | 3,513 | 4 | 2 | 2.0 | 21 | 1.7 | 0 (-.3) |
| arkeley | 9,329 | 29 | 1 | 29.0 | 56 | 4.6 | 3.6 |
| oone | 6,526 | 13 | 0 ** | - | 39 | 3.2 | 3.2 |
| raxton | 3,009 | 15 | 1 | 15.0 | 18 | 1.5 | .5 |
| rooke | 5,713 | 13 | 2 | 6.5 | 34 | 2.8 | .8 |
| abell | 18,278 | 89 | 4 | 22.3 | 110 | 8.9 | 4.9 |
| alhoun | 1,874 | 4 | 1 | 4.0 | 11 | .9 | 0 (-.1) |
| lay | 2,682 | 6 | 1 | 6.0 | 16 | 1.3 | .3 |
| oddridge | 1,613 | 4 | 1 | 4.0 | 10 | .8 | 0 (-.2) |
| ayette | 12,015 | 5 | 0 ** | - | 72 | 5.9 | 5.9 |
| ilmer | 1,556 | 5 | 0 ** | - | 9 | .7 | .7 |
| rant | 2,136 | 0 | 0 ** | 0 | 13 | 1.1 | 1.1 |
| reenbrier | 7,706 | 19 | 0 ** | - | 46 | 3.7 | 3.7 |
| ampshire | 3,077 | 3 | 1 | 3.0 | 19 | 1.5 | .5 |
| ancock | 7,656 | 43 | 0 ** | - | 46 | 3.7 | 3.7 |
| ardy | 2,071 | 14 | 4 | 3.5 | 12 | 1 | 3.0 |
| arrison | 14,596 | 34 | 2 | 17.0 | 88 | 7.2 | 5.2 |
| ackson | 5,757 | 11 | 1 | 11.0 | 35 | 2.8 | 1.8 |
| efferson | 5,945 | 14 | 0 ** | - | 36 | 2.9 | 2.9 |
| anawha | 41,217 | 174 | 7 | 24.9 | 247 | 20.1 | 13.1 |
| ewis | 3,675 | 5 | 0 ** | - | 22 | 1.8 | 1.8 |
| incoln | 5,376 | 20 | 2 | 10.0 | 32 | 2.6 | .6 |
| ogan | 10,941 | 10 | 0 ** | - | 66 | 5.4 | 5.4 |
| arion | 11,618 | 6 | 1 | 6.0 | 70 | 5.7 | 4.7 |
| arshall | 7,982 | 11 | 1 | 11.0 | 48 | 3.9 | 2.9 |
| ason | 5,318 | 11 | 3 | 3.7 | 32 | 2.6 | 0 (-.4) |
| ercer | 14,106 | 41 | 1 | 41.0 | 85 | 6.9 | 5.9 |
| ineral | 5,587 | 2 | 1 | 2.0 | 34 | 2.8 | 1.8 |
| ingo | 9,342 | 15 | 0 ** | - | 56 | 4.6 | 4.6 |
| onongalia | 10,488 | 55 | 2 | 27.5 | 63 | 5.1 | 3.1 |
| onroe | 2,467 | 10 | 1 | 10.0 | 15 | 1.2 | .2 |
| organ | 2,235 | 2 | 1 | 2.0 | 13 | 1.1 | .1 |
| cDowell | 12,097 | 27 | 1 | 27.0 | 73 | 5.9 | 4.9 |
| icholas | 6,166 | 8 | 1 | 8.0 | 37 | 3 | 2.0 |
| hio | 8,309 | 48 | 2 | 24.0 | 50 | 4.1 | 2.1 |
| endleton | 1,575 | 3 | 0 ** | - | 10 | .8 | .8 |
| leasants | 1,825 | 14 | 1 | 14.0 | 11 | .9 | 0 (-.1) |
| ocahontas | 2,031 | 0 | 0 ** | 0 | 12 | 1 | 1 |
| reston | 6,388 | 35 | 2 | 17.5 | 38 | 3.1 | 1.1 |
| utnam | 8,051 | 23 | 2 | 11.5 | 48 | 4 | 2 |
| aleigh | 17,495 | 89 | 1 | 89.0 | 105 | 8.5 | 7.5 |
| andolph | 5,761 | 3 | 0 ** | - | 35 | 2.8 | 2.8 |
| itchie | 2,174 | 9 | 0 ** | - | 13 | 1.9 | 1.9 |
| oane | 3,196 | 3 | 1 | 3.0 | 19 | 1.5 | .5 |
| ummers | 2,757 | 12 | 0 ** | - | 17 | 1.4 | 1.4 |
| aylor | 3,337 | 10 | 1 | 10.0 | 20 | 1.6 | .6 |
| ucker | 1,781 | 2 | 0 ** | - | 11 | 1 | 1.0 |
| yler | 2,561 | 0 | 0 ** | 0 | 15 | 1.2 | 1.2 |
| pshur | 4,481 | 5 | 1 | 5.0 | 27 | 2.7 | 1.2 |
| ayne | 10,076 | 13 | 0 ** | - | 60 | 4.9 | 4.9 |
| ebster | 2,758 | 5 | 0 ** | - | 17 | 1.4 | 1.4 |
| etzel | 4,891 | 16 | 1 | 16.0 | 29 | 2.4 | 1.4 |
| irt | 1,221 | 2 | 0 ** | - | 7 | .6 | .6 |
| ood | 18,873 | 25 | 3 | 8.3 | 113 | 9.9 | 6.9 |
| yoming | 8,793 | 18 | 0 ** | - | 53 | 4.3 | 4.3 |
| OTAL | 382,001 | 1057 | 58 | * 18.2 | 2294 | 188.4 | 130.4 |

* Total State Average

** Counties offering no services (21)

MENTAL RETARDATION

|  | Net Enrollment | Present # Students Served | Present # of Teachers | Present Average Caseload | Projected # of Students (2.8%) | Projected # of Trs(14.2) | Projected # Additional Trs Needed |
|---|---|---|---|---|---|---|---|
| arbour | 3,513 | 100 | 7 | 14.3 | 98 | 6.9 | 0 ( -.1) |
| arkeley | 9,329 | 370 | 22 | 16.8 | 261 | 18.4 | 0 ( -3.6) |
| oone | 6,526 | 262 | 19 | 13.8 | 183 | 12.9 | 0 ( -6.1) |
| raxton | 3,009 | 128 | 12 | 10.7 | 84 | 5.9 | 0 ( -6.1) |
| rooke | 5,713 | 199 | 13 | 15.3 | 160 | 11.3 | 0 ( -1.7) |
| abell | 18,278 | 348 | 37 | 9.4 | 512 | 36.1 | 0 ( -.9) |
| alhoun | 1,874 | 145 | 8 | 18.1 | 53 | 3.7 | 0 ( -4.3) |
| lay | 2,682 | 56 | 7 | 8.0 | 75 | 5.3 | 0 ( -1.7) |
| oddridge | 1,613 | 47 | 5 | 9.4 | 45 | 3.2 | 0 ( -1.8) |
| ayette | 12,015 | 59 | 12 | 4.9 | 336 | 23.7 | +11.7 |
| ilmer | 1,556 | 102 | 7 | 14.6 | 44 | 3.1 | 0 ( -3.9) |
| rant | 2,136 | 34 | 5 | 6.8 | 60 | 4.2 | 0 ( -.8) |
| reenbrier | 7,706 | 85 | 18 | 4.7 | 216 | 15.2 | 0 ( -2.8) |
| ampshire | 3,077 | 126 | 14 | 9.0 | 86 | 6.1 | 0 ( -7.9) |
| ancock | 7,656 | 130 | 16 | 8.1 | 214 | 15.1 | 0 ( -.9) |
| ardy | 2,071 | 91 | 9 | 10.1 | 58 | 4.1 | 0 ( -4.9) |
| arrison | 14,596 | 430 | 29 | 14.8 | 409 | 28.8 | 0 ( -.2) |
| ackson | 5,757 | 134 | 10 | 13.4 | 161 | 11.3 | + 1.3 |
| efferson | 5,945 | 188 | 21 | 9.0 | 167 | 11.8 | 0 ( -9.2) |
| anawha | 41,217 | 1,663 | 149 | 11.2 | 1,154 | 81.3 | 0 (-67.7) |
| ewis | 3,675 | 90 | 7 | 12.9 | 103 | 7.3 | + .3 |
| incoln | 5,376 | 163 | 12 | 13.6 | 151 | 10.6 | 0 ( -1.4) |
| ogan | 10,941 | 156 | 22 | 7.1 | 306 | 21.5 | 0 ( -.5) |
| arion | 11,618 | 227 | 17 | 13.4 | 325 | 22.9 | + 5.9 |
| arshall | 7,982 | 176 | 18 | 9.8 | 224 | 15.8 | 0 ( -2.2) |
| ason | 5,318 | 160 | 27 | 5.9 | 149 | 10.5 | 0 (-16.5) |
| ercer | 14,106 | 313 | 35 | 8.9 | 395 | 27.8 | 0 ( -7.2) |
| ineral | 5,587 | 131 | 18 | 7.3 | 156 | 11.0 | 0 ( -7.0) |
| ingo | 9,342 | 133 | 17 | 7.8 | 262 | 18.5 | + 1.5 |
| onongalia | 10,488 | 327 | 20 | 16.4 | 294 | 20.7 | + .7 |
| onroe | 2,467 | 85 | 8 | 10.6 | 69 | 4.9 | 0 ( -3.1) |
| organ | 2,235 | 50 | 3 | 16.7 | 63 | 4.4 | + 1.4 |
| cDowell | 12,097 | 354 | 22 | 16.1 | 339 | 23.9 | + 1.9 |
| icholas | 6,166 | 174 | 27 | 6.4 | 173 | 12.2 | 0 (-14.8) |
| hio | 8,309 | 314 | 32 | 9.8 | 233 | 16.4 | 0 (-15.6) |
| endleton | 1,575 | 48 | 7 | 6.9 | 44 | 3.1 | 0 ( -3.9) |
| leasants | 1,825 | 50 | 4 | 12.5 | 51 | 3.6 | 0 ( -.4) |
| ocahontas | 2,031 | 63 | 6 | 10.5 | 57 | 4.0 | 0 ( - 2.0) |
| reston | 6,388 | 246 | 19 | 13.0 | 179 | 12.6 | 0 ( -6.4) |
| utnam | 8,051 | 118 | 19 | 6.2 | 225 | 15.8 | 0 ( -3.2) |
| aleigh | 17,495 | 266 | 29 | 9.2 | 490 | 34.5 | + 5.5 |
| andolph | 5,761 | 211 | 18 | 11.7 | 161 | 11.3 | 0 ( -6.7) |
| itchie | 2,174 | 79 | 8 | 9.9 | 61 | 4.3 | 0 ( -3.7) |
| oane | 3,196 | 135 | 12 | 11.3 | 90 | 6.3 | 0 ( -5.7) |
| ummers | 2,757 | 87 | 9 | 9.7 | 77 | 5.4 | 0 ( -3.6) |
| aylor | 3,337 | 156 | 16 | 9.8 | 93 | 6.5 | 0 ( -9.5) |
| ucker | 1,781 | 56 | 7 | 8.0 | 50 | 3.5 | 0 ( -3.5) |
| yler | 2,561 | 104 | 9 | 11.6 | 72 | 5.1 | 0 ( -3.9) |
| pshur | 4,481 | 100 | 12 | 8.3 | 126 | 8.9 | 0 ( -3.1) |
| ayne | 10,076 | 321 | 27 | 11.9 | 282 | 19.9 | 0 ( -7.1) |
| ebster | 2,758 | 64 | 5 | 13.0 | 77 | 5.4 | + .4 |
| etzel | 4,891 | 170 | 15 | 11.3 | 137 | 9.6 | 0 ( -5.4) |
| irt | 1,221 | 36 | 3 | 12.0 | 34 | 2.4 | 0 ( -.6) |
| ood | 18,873 | 486 | 37 | 13.1 | 528 | 37.2 | + .2 |
| yoming | 8,793 | 321 | 29 | 11.1 | 246 | 17.3 | 0 (-11.7) |
| OTAL | 382,001 | 10,667 | 996 | *10.8 | 10,698 | 753.5 | +30.8,-273.30<br>= -242.5 |

*Total State Average

## SPEECH AND LANGUAGE

| | Net Enrollment | Present Students Served | Present # of Teachers | Present Average Caseload | Projected # of Students (3.52) | Projected # of Trs. (40) | Projected # Additional Trs. Needed |
|---|---|---|---|---|---|---|---|
| arbour | 3,513 | 129 | 5 | 25.8 | 123 | 3.1 | 0 (-1.9) |
| erkeley | 9,329 | 164 | 7 | 23.4 | 327 | 8.2 | 1.2 |
| oone | 6,526 | 211 | 5 | 42.2 | 228 | 5.7 | .7 |
| raxton | 3,009 | 183 | 5 | 36.6 | 105 | 2.6 | 0 (-2.4) |
| rooke | 5,711 | 248 | 4 | 62.0 | 200 | 5 | 1.0 |
| abell | 18,278 | 349 | 13 | 26.8 | 640 | 16 | 3.0 |
| alhoun | 1,874 | 94 | 4 | 23.5 | 66 | 1.7 | 0 (-2.3) |
| lay | 2,682 | 93 | 3 | 31.0 | 94 | 2.4 | 0 (-.6) |
| oddridge | 1,613 | 85 | 3 | 28.3 | 57 | 1.6 | 0 (-1.6) |
| ayette | 12,015 | 195 | 6 | 32.5 | 421 | 10.5 | 4.5 |
| ilmer | 1,556 | 55 | 2 | 27.5 | 54 | 1.4 | 0 (-.6) |
| rant | 2,136 | 37 | 1 | 37.0 | 75 | 1.9 | .9 |
| reenbrier | 7,706 | 224 | 6 | 37.3 | 270 | 6.8 | .8 |
| ampshire | 3,077 | 31 | 4 | 7.8 | 108 | 2.7 | 0 (-1.3) |
| ancock | 7,656 | 151 | 4 | 37.8 | 268 | 6.7 | 2.7 |
| ardy | 2,071 | 80 | 3 | 26.7 | 73 | 1.8 | 0 (-1.2) |
| arrison | 14,596 | 460 | 9 | 51.1 | 511 | 12.8 | 3.8 |
| ackson | 5,757 | 84 | 4 | 21.0 | 202 | 5.1 | 1.1 |
| efferson | 5,945 | 88 | 9 | 9.8 | 208 | 5.2 | 0 (-3.8) |
| anawha | 41,217 | 718 | 26 | 27.6 | 1443 | 36.1 | 10.1 |
| ewis | 3,675 | 64 | 3 | 21.3 | 127 | 3.2 | .2 |
| incoln | 5,376 | 191 | 4 | 47.8 | 188 | 4.7 | .7 |
| ogan | 10,941 | 0 | 2 | 0 | 383 | 9.6 | 7.6 |
| arion | 11,618 | 326 | 5 | 65.2 | 407 | 10.2 | 5.2 |
| arshall | 7,982 | 278 | 6 | 46.3 | 279 | 7 | 1.0 |
| ason | 5,318 | 92 | 6 | 15.3 | 186 | 4.7 | 0 (-1.3) |
| ercer | 14,106 | 27 | 7 | 3.9 | 494 | 12.4 | 5.4 |
| ineral | 5,587 | 232 | 10 | 23.2 | 196 | 4.9 | 0 (-5.1) |
| ingo | 9,342 | 311 | 4 | 77.8 | 327 | 8.2 | 4.2 |
| onongalia | 10,488 | 289 | 10 | 28.9 | 367 | 9.2 | 0 (-.8) |
| onroe | 2,467 | 121 | 3 | 40.3 | 86 | 2.2 | 0 (-.8) |
| organ | 2,235 | 135 | 3 | 45.0 | 78 | 2 | 0 (-1.0) |
| cDowell | 12,097 | 161 | 8 | 20.1 | 423 | 10.6 | 2.6 |
| icholas | 6,166 | 73 | 3 | 24.3 | 216 | 5.4 | 2.4 |
| hio | 8,309 | 333 | 8 | 41.6 | 291 | 7.3 | 0 (-.7) |
| endleton | 1,575 | 94 | 2 | 47.0 | 55 | 1.4 | 0 (-.6) |
| leasants | 1,825 | 78 | 2 | 39.0 | 64 | 1.6 | 0 (-.4) |
| ocahontas | 2,031 | 112 | 3 | 37.3 | 71 | 1.8 | 0 (-1.2) |
| reston | 6,388 | 165 | 5 | 33.0 | 224 | 5.6 | .6 |
| utnam | 8,051 | 141 | 7 | 20.1 | 282 | 7.1 | .1 |
| aleigh | 17,495 | 436 | 8 | 54.5 | 612 | 15.3 | 7.3 |
| andolph | 5,761 | 140 | 6 | 23.3 | 202 | 5.1 | 0 (-.9) |
| itchie | 2,174 | 119 | 3 | 39.7 | 76 | 1.9 | 0 (-1.1) |
| oane | 3,196 | 92 | 4 | 23.0 | 112 | 2.8 | 0 (-1.2) |
| ummers | 2,757 | 90 | 3 | 30.0 | 97 | 2.4 | 0 (-.6) |
| aylor | 3,337 | 123 | 4 | 30.8 | 117 | 2.9 | 0 (-1.1) |
| ucker | 1,781 | 0 | 0** | 0 | 62 | 1.6 | 1.6 |
| yler | 2,561 | 111 | 3 | 37.0 | 90 | 2.3 | 0 (-.7) |
| pshur | 4,481 | 222 | 5 | 44.4 | 157 | 3.9 | 0 (-1.1) |
| ayne | 10,076 | 314 | 5 | 62.8 | 353 | 8.8 | 3.8 |
| ebster | 2,758 | 88 | 2 | 44.0 | 97 | 2.4 | .4 |
| etzel | 4,891 | 100 | 4 | 25.0 | 171 | 4.3 | .3 |
| irt | 1,221 | 20 | 1 | 20.0 | 43 | 1.1 | .1 |
| ood | 18,873 | 362 | 10 | 36.2 | 661 | 16.5 | 6.5 |
| yoming | 8,793 | 275 | 8 | 34.4 | 308 | 7.7 | 0 (-.3) |
| OTAL | 382,001 | 9394 | 290 | 32.7 | 13375 | 335.2 | +79.3 (-34.6)<br>= 44.7 |

** Counties offering no services (1)

## LEARNING DISABILITIES

| | Net Enrollment | Present # Students Served | Present # of Teachers | Present Average Caseload | Projected # of Students (2.3%) | Projected # of Trs.(14.3) | Projected # Additional Trs. Needed |
|---|---|---|---|---|---|---|---|
| arbour | 3,513 | 142 | 8 | 17.8 | 81 | 5.7 | 0 (- 2.3) |
| erkeley | 9,329 | 233 | 17 | 13.7 | 215 | 15.0 | 0 (- 2.0) |
| oone | 6,526 | 57 | 4 | 14.3 | 150 | 10.5 | + 6.5 |
| raxton | 3,009 | 86 | 7 | 12.3 | 69 | 4.8 | 0 (- 2.2) |
| rooke | 5,713 | 97 | 7 | 13.9 | 131 | 9.2 | + 2.2 |
| abell | 18,278 | 254 | 17 | 14.9 | 420 | 29.4 | +12.4 |
| alhoun | 1,874 | 113 | 6 | 18.8 | 43 | 3.0 | 0 (- 3.0) |
| lay | 2,682 | 2 | 2 | 1.0 | 62 | 4.3 | + 2.3 |
| oddridge | 1,613 | 67 | 4 | 16.8 | 37 | 2.6 | 0 (- 1.4) |
| ayette | 12,015 | 507 | 29 | 17.5 | 276 | 19.3 | 0 (- 9.7) |
| ilmer | 1,556 | 34 | 3 | 11.3 | 34 | 2.5 | 0 (- .5) |
| rant | 2,136 | 71 | 3 | 23.7 | 49 | 3.4 | + .4 |
| reenbrier | 7,706 | 74 | 4 | 18.5 | 177 | 12.4 | + 8.0 |
| ampshire | 3,077 | 55 | 4 | 13.8 | 71 | 5.0 | + 1.0 |
| ancock | 7,656 | 45 | 6 | 7.5 | 176 | 12.3 | + 6.3 |
| ardy | 2,071 | 67 | 3 | 22.3 | 48 | 3.4 | + .4 |
| arrison | 14,596 | 176 | 12 | 14.7 | 336 | 23.5 | +11.5 |
| ackson | 5,757 | 104 | 7 | 14.9 | 132 | 9.2 | + 2.2 |
| efferson | 5,945 | 61 | 9 | 6.8 | 137 | 9.6 | + .6 |
| anawha | 41,217 | 905 | 127 | 7.1 | 948 | 66.3 | 0 (-60.7) |
| ewis | 3,675 | 54 | 3 | 18.0 | 85 | 5.9 | + 2.9 |
| incoln | 5,376 | 48 | 3 | 16.0 | 124 | 8.7 | + 5.7 |
| ogan | 10,941 | 118 | 2 | 59.0 | 252 | 17.6 | +15.6 |
| arion | 11,618 | 148 | 8 | 18.5 | 267 | 18.7 | +10.7 |
| arshall | 7,982 | 152 | 8 | 19.0 | 184 | 12.9 | + 4.9 |
| ason | 5,318 | 237 | 23 | 10.3 | 122 | 8.5 | 0 (-14.5) |
| ercer | 14,106 | 74 | 6 | 12.3 | 324 | 22.7 | +16.7 |
| ineral | 5,587 | 303 | 17 | 17.8 | 129 | 9.0 | 0 (- 8.0) |
| ingo | 9,342 | 14 | 1 | 14.0 | 215 | 15.0 | +14.0 |
| onongalia | 10,488 | 282 | 18 | 15.7 | 241 | 16.9 | 0 (- 1.1) |
| onroe | 2,467 | 80 | 5 | 16.0 | 57 | 4.0 | 0 (- 1.0) |
| organ | 2,235 | 79 | 4 | 19.8 | 51 | 3.6 | 0 (- .4) |
| cDowell | 12,097 | 143 | 4 | 35.8 | 278 | 19.4 | +15.4 |
| icholas | 6,166 | 4 | 0 ** | 0 | 142 | 9.9 | + 9.9 |
| hio | 8,309 | 234 | 13 | 18.0 | 191 | 13.4 | + .4 |
| endleton | 1,575 | 58 | 8 | 7.3 | 36 | 2.5 | 0 (- 5.5) |
| leasants | 1,825 | 38 | 2 | 19.0 | 42 | 2.9 | + .9 |
| ocahontas | 2,031 | 94 | 3 | 31.3 | 47 | 3.3 | + .3 |
| reston | 6,388 | 193 | 14 | 13.8 | 147 | 10.3 | 0 (- 4.3) |
| utnam | 8,051 | 207 | 16 | 12.9 | 185 | 12.9 | 0 (- 3.1) |
| aleigh | 17,495 | 221 | 15 | 14.7 | 402 | 28.1 | +13.1 |
| andolph | 5,761 | 294 | 8 | 36.8 | 133 | 9.3 | + 1.3 |
| itchie | 2,174 | 17 | 1 | 17.0 | 50 | 3.5 | + 2.5 |
| oane | 3,196 | 58 | 4 | 14.5 | 74 | 5.2 | + 1.2 |
| ummers | 2,757 | 67 | 5 | 13.4 | 63 | 4.4 | 0 (- .6) |
| aylor | 3,337 | 117 | 5 | 23.4 | 77 | 5.4 | + .4 |
| ucker | 1,781 | 84 | 6 | 14.0 | 41 | 2.9 | 0 (- 3.1) |
| yler | 2,561 | 118 | 7 | 16.9 | 59 | 4.1 | 0 (- 2.9) |
| pshur | 4,481 | 64 | 7 | 9.1 | 103 | 7.2 | + .2 |
| ayne | 10,076 | 93 | 13 | 7.2 | 232 | 16.2 | + 3.2 |
| ebster | 2,758 | 75 | 5 | 15.0 | 63 | 4.4 | 0 (- .6) |
| etzel | 4,891 | 198 | 11 | 18.0 | 113 | 7.9 | 0 (- 3.1) |
| irt | 1,221 | 36 | 3 | 12.0 | 28 | 2.0 | 0 (- 1.0) |
| ood | 18,873 | 562 | 29 | 19.4 | 434 | 30.3 | + 1.3 |
| yoming | 8,793 | 44 | 0** | 0 | 202 | 14.1 | +14.1 |
| OTAL | 382,001 | 7,758 | 556 | *16.1 | 8,787 | 614.2 | +188.5,-131.0<br>= 57.5 |

*Total State Average

** Counties offering no services (2)

VISUALLY HANDICAPPED

| | Net Enrollment | Present # Students Served | Present # of Teachers | Present Caseload Average | Projected # of Students | Projected # of Trs. 14.0 | Projected # Additional Trs. Needed |
|---|---|---|---|---|---|---|---|
| arbour | 3,513 | 6 | 0 ** | -- | 4 | .3 | .3 |
| rkeley | 9,329 | 8 | 1 | 8.0 | 9 | .6 | 0 (- .3) |
| one | 6,526 | 6 | 0 ** | -- | 7 | .5 | .5 |
| axton | 3,009 | 1 | 0 ** | -- | 6 | .4 | .4 |
| ooke | 5,713 | 2 | 0 ** | -- | 6 | .4 | .4 |
| bell | 18,278 | 13 | 1 | 13.0 | 18 | 1.3 | .3 |
| lhoun | 1,874 | 0 | 0 ** | -- | 2 | .1 | .1 |
| ay | 2,682 | 1 | 0 ** | -- | 3 | .2 | .2 |
| ddridge | 1,613 | 1 | 0 ** | -- | 2 | .1 | .1 |
| yette | 12,015 | 0 | 0 ** | 0 | 12 | .9 | .9 |
| lmer | 1,556 | 0 | 0 ** | 0 | 2 | .1 | .1 |
| ant | 2,136 | 0 | 0 ** | 0 | 2 | .1 | .1 |
| reenbrier | 7,706 | 0 | 0 ** | 0 | 8 | .6 | .6 |
| ampshire | 3,077 | 0 | 0 ** | 0 | 3 | .2 | .2 |
| ancock | 7,656 | 0 | 0 ** | 0 | 8 | .6 | .6 |
| ardy | 2,071 | 0 | 0 ** | 0 | 2 | .1 | .1 |
| arrison | 14,596 | 6 | 0 ** | -- | 15 | 1.1 | 1.1 |
| ackson | 5,757 | 0 | 0 ** | 0 | 6 | .4 | .4 |
| efferson | 5,945 | 0 | 0 ** | 0 | 6 | .4 | .4 |
| anawha | 41,217 | 28 | 4 | 7.0 | 41 | 2.9 | 0 (- 1.1) |
| ewis | 3,675 | 1 | 0 ** | -- | 4 | .3 | .3 |
| incoln | 5,376 | 1 | 0 ** | -- | 5 | .4 | .4 |
| ogan | 10,941 | 19 | 1 | 19.0 | 11 | .8 | 0 (- .2) |
| arion | 11,618 | 11 | 1 | 11.0 | 12 | .9 | 0 (- .1) |
| arshall | 7,982 | 11 | 1 | 11.0 | 8 | .6 | 0 (- .4) |
| ason | 5,318 | 3 | 0 ** | -- | 5 | .4 | .4 |
| ercer | 14,106 | 9 | 0 ** | -- | 14 | 1 | 1.0 |
| ineral | 5,587 | 1 | 0 ** | -- | 6 | .4 | .4 |
| ingo | 9,342 | 0 | 0 ** | 0 | 9 | .6 | .6 |
| onongalia | 10,488 | 8 | 1 | 8.0 | 11 | .8 | 0 (- .2) |
| onroe | 2,467 | 1 | 1 | 1.0 | 3 | .2 | 0 (- .8) |
| organ | 2,235 | 0 | 0 ** | 0 | 2 | .1 | .1 |
| cDowell | 12,097 | 13 | 0 ** | -- | 12 | .9 | .9 |
| icholas | 6,166 | 0 | 1 | -- | 7 | .5 | 0 (- .5) |
| hio | 8,309 | 11 | 1 | 11.0 | 8 | .6 | 0 (- .4) |
| endleton | 1,575 | 0 | 0 ** | 0 | 2 | .1 | .1 |
| leasants | 1,825 | 0 | 0 ** | 0 | 2 | .1 | .1 |
| ocahontas | 2,031 | 0 | 0 ** | 0 | 2 | .1 | .1 |
| reston | 6,388 | 0 | 0 ** | 0 | 6 | .4 | .4 |
| utnam | 8,051 | 1 | 1 | 1.0 | 8 | .6 | 0 (- .4) |
| aleigh | 17,495 | 7 | 1 | 7.0 | 18 | 1.3 | .3 |
| andolph | 5,761 | 0 | 0 ** | 0 | 6 | .4 | .4 |
| itchie | 2,174 | 0 | 0 ** | 0 | 2 | .1 | .1 |
| oane | 3,196 | 0 | 0 ** | 0 | 3 | .2 | .2 |
| ummers | 2,757 | 0 | 0 ** | 0 | 3 | .2 | .2 |
| aylor | 3,337 | 0 | 0 ** | 0 | 3 | .2 | .2 |
| ucker | 1,781 | 0 | 0 ** | 0 | 2 | .1 | .1 |
| yler | 2,561 | 4 | 0 ** | -- | 3 | .2 | .2 |
| pshur | 4,481 | 0 | 0 ** | 0 | 5 | .4 | .4 |
| ayne | 10,076 | 8 | 0 ** | -- | 10 | .7 | .7 |
| ebster | 2,758 | 1 | 0 ** | -- | 3 | .2 | .2 |
| etzel | 4,891 | 3 | 0 ** | -- | 5 | .4 | .4 |
| irt | 1,221 | 0 | 0 ** | 0 | 1 | .1 | .1 |
| ood | 18,873 | 5 | 1 | 5.0 | 19 | 1.4 | .4 |
| yoming | 8,793 | 3 | 0 ** | -- | 9 | .6 | .6 |
| OTAL | 382,001 | 193 | 16 | *12.1 | 382 | 27.4 | +15.9, -4.5<br>= 11.0 |

*Total State Average
** Counties offering no services (42)

758

ATTACHMENT "B"

## POSITION REQUESTS
1979-80

| COUNTY | Behavioral Disorders | Learning Disabilities | Educable Mentally Retarded | Trainable Mentally Retarded | Profoundly Mentally Retarded | Hearing Impaired | Visually Impaired | Language/ Speech | Deaf/Blind | Physically Handicapped | Other Health Impaired | Gifted | Psychologists | Other | TOTAL | Paraprofes |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Barbour | 2 | 3 | 1 | 1 | 0 | 1 | 0 | 1 | 0 | 1 | 0 | 3 | 0 | 3 | 16 | 1 |
| Berkeley | 1 | 2 | 0 | 1 | 1 | 1 | 0 | 1 | 0 | 1 | 0 | 1 | 1 | 0 | 10 | 3 |
| Boone | 2 | 2 | 2 | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 2 | 1 | 1 | 12 | 1 |
| Braxton | 1 | 1 | 2 | 1 | 1 | 1 | 1 | 1 | 0 | 1 | 0 | 1 | 1 | 3 | 15 | 4 |
| Brooke | 0 | 3 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 2 | 0 | 0 | 6 | ½ |
| Cabell | 6 | 9 | 7 | 2 | 1 | 2 | 1 | 7 | 1 | 3 | 1 | 12 | 5 | 15 | 72 | 16 |
| Calhoun | 2 | 1 | 1 | 0 | 0 | ½ | ½ | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 7 | 7 |
| Clay | 1 | 1 | 2 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 0 | 7 | 0 |
| Doddridge | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 2 | 0 |
| Fayette | 6 | 7 | 8 | 2 | 0 | 0 | 0 | 4 | 0 | 0 | 0 | 9 | 2 | 6 | 44 | 6 |
| Gilmer | 1 | 1 | 0 | 0 | 1 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 4 | 0 |
| Grant | 1 | 0 | 0 | 0 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 4 | 0 |
| Greenbrier | 1 | 4 | 5 | 0 | 0 | 1 | 0 | 2 | 0 | 0 | 0 | 3 | 4 | 0 | 20 | 0 |
| Hampshire | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 2 | 4 | 0 |
| Hancock | 0 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 3 | 0 |
| Hardy | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 |
| Harrison | 6 | 7 | 1 | 0 | 1 | 0 | 0 | 2 | 0 | 1 | 1 | 3 | 1 | 1 | 24 | 0 |
| Jackson | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Jefferson | 0 | 2 | 1 | 1 | 1 | 0 | 0 | 1 | 0 | 0 | 0 | 1 | 0 | 0 | 7 | 2 |
| Kanawha | 10 | 9 | 4 | 1 | 4 | 6 | 0 | 7 | 0 | 3 | 2 | 19 | 17 | 101 | 183 | 84 |
| Lewis | 1 | 3 | 0 | 1 | 0 | 1 | 0 | 1 | 0 | 0 | 0 | 1 | 0 | 0 | 8 | 0 |
| Lincoln | 3 | 3 | 4 | 4 | 1 | 1 | 1 | 4 | 0 | 1 | 1 | 3 | 0 | 1 | 27 | 16 |
| Logan | 3 | 4 | 3 | 2 | 1 | 1 | 1 | 4 | 0 | 2 | 1 | 4 | 1 | 0 | 27 | 14 |
| Marion | 1 | 3 | 2 | 0 | 1 | 1 | 0 | 3 | 0 | 0 | 0 | 2 | 1 | 4 | 18 | 0 |
| Marshall | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 1 | 0 | 3 | 0 |
| Mason | 4 | 4 | 0 | 0 | 1 | 1 | 0 | 3 | 0 | 0 | 0 | 2 | 1 | 1 | 17 | 0 |
| Mercer | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 2 | 1 | 6 | 0 |
| Mineral | 4 | 3 | 1 | 0 | 1 | ½ | ½ | 1 | 0 | 0 | 0 | 5 | 3 | 3 | 22 | 0 |
| Mingo | 3 | 6 | 1 | 2 | 2 | 1 | 1 | 5 | 0 | 1 | 2 | 6 | 1 | 0 | 31 | 13 |
| Monongalia | 1 | 10 | 3 | 0 | 1 | 0 | 1 | 6 | 0 | 0 | 0 | 3 | 0 | 15 | 40 | 37 |
| Monroe | 1 | 2 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 2 | 0 | 0 | 7 | 8 |
| Morgan | 1 | 2 | 2 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 1 | 2 | 0 | 0 | 9 | 0 |
| McDowell | 2 | 4 | 3 | 1 | 0 | 1 | 0 | 7 | 0 | 1 | 0 | 2 | 1 | 5 | 27 | 0 |
| Nicholas | 1 | 6 | 4 | 0 | 0 | 1 | 1 | 1 | 0 | 0 | 0 | 1 | 1 | 0 | 16 | 1 |
| Ohio | 2 | 1 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 2 | 1 | 0 | 0 | 8 | 4 |
| Pendleton | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 1 | 1 | 0 | 3 | 0 |
| Pleasants | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 2 | 2 |
| Pocahontas | 3 | 1 | 0 | 2 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 3 | 0 | 2 | 12 | 1 |
| Preston | 3 | 5 | 6 | 1 | 0 | 1 | 1 | 5½ | 1 | 0 | 1 | 1 | 2 | 10 | 37½ | 10 |
| Putnam | 2 | 3 | 4 | 2 | 1 | 1 | 1 | 5 | 0 | 1 | 2 | 1 | 2 | 5 | 30 | 2 |
| Raleigh | 2 | 4 | 6 | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 4 | 0 | 0 | 18 | 20 |
| Randolph | 2 | 2 | 3 | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 3 | 1 | 3 | 16 | 0 |
| Ritchie | 1 | 2 | 2 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 7 | 7 |
| Roane | 1 | 1 | 0 | 0 | 1 | 0 | 0 | 1 | 0 | 0 | 1 | 0 | 0 | 0 | 5 | 0 |
| Summers | 1 | 1 | 0 | 1 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 1 | 0 | 0 | 5 | 5 |
| Taylor | 1 | 1 | 2 | 0 | 1 | 0 | 1 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 7 | 0 |
| Tucker | 1 | 1 | 1 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 1 | 1 | 1 | 0 | 7 | 5 |
| Tyler | 2 | 0 | 0 | 1 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 6 | 4 |
| Upshur | 1 | 2 | 1 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 1 | 6 | 6 |
| Wayne | 2 | 25 | 5 | 0 | 0 | 0 | 3 | 0 | 0 | 0 | 0 | 25 | 1 | 3 | 64 | 4 |
| Webster | 1 | 1 | 1 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 1 | 2 | 1 | 0 | 8 | 2 |
| Wetzel | 1 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 4 | 0 |
| Wirt | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 |
| Wood | 37 | 18 | 6 | 1 | 4 | 0 | 15 | 57 | 0 | 8 | 2 | 10 | 2 | 42 | 202 | 104 |
| Wyoming | 3 | 4 | 3 | 2 | 2 | 1 | 1 | 2 | 0 | 1 | 2 | 2 | 2 | 0 | 25 | 42 |
| TOTAL | 131 | 181 | 100 | 33 | 29 | 26 | 35 | 146½ | 2 | 26 | 23 | 153 | 60 | 229 | 1,173½ | 431½ |

ATTACHMENT "C"

FY 80 ACCOUNT 2960-07

CONTINUING EDUCATION

| | Professional Educators | | Grant Award | | | | |
|---|---|---|---|---|---|---|---|
| Barbour | 215 | 8.50 | 1,827.50 | | | | |
| Berkeley | 589 | 8.50 | 5,006.50 | | | | |
| Boone | 374 | 8.50 | 3,179.00 | | | | |
| Braxton | 200 | 8.50 | 1,700.00 | | | | |
| Brooke | 345 | 8.50 | 2,932.50 | | | | |
| Cabell | 1,146 | 8.50 | 9,741.00 | | | | |
| Calhoun | 138 | 8.50 | 1,173.00 | | | | |
| Clay | 141 | 8.50 | 1,198.50 | | | | |
| Doddridge | 103 | 8.50 | 875.50 | | | | |
| Fayette | 714 | 8.50 | 6,069.00 | | | | |
| Gilmer | 98 | 8.50 | 833.00 | | | | |
| Grant | 137 | 8.50 | 1,164.50 | | | | |
| Greenbrier | 438 | 8.50 | 3,723.00 | | | | |
| Hampshire | 182 | 8.50 | 1,547.00 | | | | |
| Hancock | 453 | 8.50 | 3,850.50 | | | | |
| Hardy | 139 | 8.50 | 1,181.50 | | | | |
| Harrison | 852 | 8.50 | 7,242.00 | | | | |
| Jackson | 341 | 8.50 | 2,898.00 | | | | |
| Jefferson | 348 | 8.50 | 2,958.00 | | | | |
| Kanawha | 2,677 | 8.50 | 22,754.00 | | | | |
| Lewis | 207 | 8.50 | 1,759.00 | | | | |
| Lincoln | 313 | 8.50 | 2,660.00 | | | | |
| Logan | 599 | 8.50 | 5,091.00 | | | | |
| Marion | 642 | 8.50 | 5,457.00 | | | | |
| Marshall | 486 | 8.50 | 4,131.00 | | | | |
| Mason | 339 | 8.50 | 2,881.00 | | | | |
| Mercer | 823 | 8.50 | 6,995.00 | | | | |
| Mineral | 375 | 8.50 | 3,187.00 | | | | |
| Mingo | 488 | 8.50 | 4,148.00 | | | | |
| Monongalia | 668 | 8.50 | 5,678.00 | | | | |
| Monroe | 147 | 8.50 | 1,249.00 | | | | |
| Morgan | 127 | 8.50 | 1,079.00 | | | | |
| McDowell | 713 | 8.50 | 6,060.00 | | | | |
| Nicholas | 356 | 8.50 | 3,026.00 | | | | |
| Ohio | 561 | 8.50 | 4,768.00 | | | | |
| Pendleton | 100 | 8.50 | 850.00 | | | | |
| Pleasants | 128 | 8.50 | 1,088.00 | | | | |
| Pocahontas | 138 | 8.50 | 1,173.00 | | | | |
| Preston | 387 | 8.50 | 3,289.00 | | | | |
| Putnam | 471 | 8.50 | 4,003.00 | | | | |
| Raleigh | 966 | 8.50 | 8,211.00 | | | | |
| Randolph | 348 | 8.50 | 2,958.00 | | | | |
| Ritchie | 135 | 8.50 | 1,147.50 | | | | |
| Roane | 196 | 8.50 | 1,666.00 | | | | |
| Summers | 174 | 8.50 | 1,479.00 | | | | |
| Taylor | 231 | 8.50 | 1,963.50 | | | | |
| Tucker | 115 | 8.50 | 977.50 | | | | |
| Tyler | 167 | 8.50 | 1,419.50 | | | | |
| Upshur | 272 | 8.50 | 2,312.00 | | | | |
| Wayne | 581 | 8.50 | 4,938.50 | | | | |
| Webster | 169 | 8.50 | 1,436.50 | | | | |
| Wetzel | 308 | 8.50 | 2,618.00 | | | | |
| Wirt | 75 | 8.50 | 637.50 | | | | |
| Wood | 1,155 | 8.50 | 9,817.50 | | | | |
| Wyoming | 512 | 8.50 | 4,352.00 | | | | |
| | 23,102 | 467.50 | 196,367.00 | | | | |

Senator SCHWEIKER. Now, we call as our next witness Mr. Roger W. Brown, associate commissioner of special needs, Division of Special Education, Boston, Mass.

Mr. Brown, would you please go ahead.

## STATEMENT OF ROGER W. BROWN, ASSOCIATE COMMISSIONER OF SPECIAL NEEDS, DIVISION OF SPECIAL EDUCATION, BOSTON, MASS.

Mr. BROWN. Thank you, Senator.

I am Roger W. Brown, associate commissioner, Division of Special Education, State Department of Education, Boston, Mass.

I welcome the opportunity to testify before the committee. In addition to my forthcoming testimony, I have already submitted a statement in which I develop more fully my approach to some of the problem areas in Public Law 94-142. After making my statement, I will be glad to elaborate either on it, or on the written statement you have already read.

Massachusetts is in a unique position to comment regarding Public Law 94-142. The legislature of the Commonwealth passed a similar law, chapter 766, in 1972, and the department of education, in cooperation with local school systems and other State agencies, implemented that law at the beginning of the 1974 school year. This gave us a 3-year head start in dealing with legislation identical in many ways with Public Law 94-142. These past 3 years have helped to give us a clear sense of both the opportunities as well as the problems inherent in the new Federal special education law.

At the outset, I want to make it clear that I strongly support the current law and regulations. There are, however, some minor suggestions for modification that I will discuss later on.

Statistics, as well as the clear impressions of almost all of us concerned, suggest that the implementation of a similar law in Massachusetts has dramatically improved the availability of special education and related services over the past 5 years.

We are now in the process of launching a series of studies by the academic and research communities analyzing objectively the effect of our chapter 766, Public Law 94-142, on the quality of special education in Massachusetts. We are confident that the results will be positive; we are equally confident that we can still learn much about improving the quality and efficiency of special education programs.

Rather than exhaust your patience with a host of statistics, let me select a few figures and examples which will illustrate some significant points.

The number of Massachusetts children receiving special education services increased between school year 1973-74 and school year 1977-78 from 77,000 to 155,000. These figures represent an increase of some 78,000 additional children receiving services—a gain of more than 100 percent.

The costs, however, rose dramatically as well: from $104 million in school year 1973-74, to $274 million in school year 1977-78—an increase of some 165 percent.

While Federal funding for Public Law 94-142 has continued to increase significantly, during the upcoming school year, it will amount to less than 12 percent of the amount spent for special

education in Massachusetts. Badly needed additional funds would aid us in serving traditional underserved populations—a point I will elaborate on later in my remarks.

It has been most difficult to provide appropriate service for young persons with special needs in State-operated institutions, which in many cases involve overlapping jurisdictions among various State agencies and local educational agencies.

I am not about to argue that we have resolved all problems in this area, as my later suggestions will indicate, but I do say that remarkable progress has been made with the support of the legislature and the encouragement of the courts and parents groups.

For example, in institutions maintained by the department of mental health, where the bureau of institutional schools provides educational programs, earlier figures showed only half of those requiring programs received only 20 percent of the services they needed. In addition to moving many institutionalized youngsters fully or on a part-time basis into community facilities and offering incentives for local school systems to provide programs, we are now in a position to provide virtually 100 percent of the needed special education and related services to 100 percent of that institutionalized population.

These figures are heartening and illustrate that Public Law 94-142 can be implemented. Some aspects of the law are worth singling out because of their particular importance. Public Law 94-142 and chapter 766 suggest that parents, and young persons when they are of appropriate age, can and should make an important contribution to decisions concerning the education of children with special needs. When old habits of paternalism are cast off, this sets up the possibility of a partnership of equals in determining educational goals and the means to obtain them.

Another critical portion of Public Law 94-142 is the individualized educational plan—or the IEP as it is referred to. This has established and institutionalized the important concept that school systems teach children—rather than simply subjects

This requirement has been particularly important at the secondary level where learning had traditionally been less personalized.

A Massachusetts suburban high school which in 1973-74 had 27 dropouts illustrates the point

In 1974-75, after implementation of chapter 766 with its requirements for the IEP, the school had only three dropouts. During that year, the school changed neither its faculty nor its students. Rather, the law had helped inspire administrators and staff to look at dropouts in a different light—as youngsters with individual special needs, rather than troublemakers to be pushed out.

Although much criticism surrounds the IEP, I think it is one of the most beneficial things we have ever done for children; in short, it is a necessary part of the law. It helps children, parents, and teachers, and in one sense—despite the controversy—is nothing new. It is a formalization of what good teachers in elementary schools have been doing for some time—tailoring their instruction to the capability of the child, but now improved upon by the assurance, through evaluation procedures, of a broader base of descriptive information to plan around.

I feel strongly that this requirement of the law remain unchanged. Despite initial problems with its implementation in Massachusetts—partly caused by lack of training and confusion over its orientation—most school people, including overworked teachers, strongly support the IEP requirement and feel that it is working well. In fact, we have school superintendents who want to make the IEP available to all of their children—not merely those with special needs.

What I do suggest, however, is initiation of a national study to pinpoint the most appropriate methods to sensitize and familiarize local administrators to the philosophy underlying the IEP. My fear here is that overworked school people may tend to conform to the letter of the law in rote fashion unless they fully understand the educational benefits that can be derived from individualized education.

This brings me to my suggestions on which I have elaborated in the written statement. I will merely summarize them here:

One, the Federal Government should develop and disseminate a set of strategies to help State education agencies in various States exercise their supervisory and monitoring responsibilities over other State agencies in matters of special education;

Two, BEH should clarify who is responsible for provision of related services and develop strategies to help State educational agencies deal with this question at the local level;

Three, Congress should fund Public Law 94-142 now at the full ceiling;

Four, Congress should consider amending the law to allow administrative decisions to become final after the State educational agency, (SEA), review;

Five, Unless the Office of the General Counsel (OGC), comes up with a different legal interpretation of the requirements for nonsupplanting waiver, Congress should modify the law to provide a greater incentive for compliance;

Six, BEH should provide more funds specifically for training and more flexible strategies for personnel development; and

Finally, Congress should fund and staff BEH adequately to carry out the mandates of Public Law 94-142.

In closing, I want to express my appreciation for the opportunity to testify and to reiterate my strong support of Public Law 94-142. I believe that States can comply substantially with it, as we have in Massachusetts, and that it offers our best hope that States will serve their children most in need of special education in an efficient and progressive manner.

Thank you very much.

Senator **Schweiker**. Thank you very much.

First, I would like to say that Senator Kennedy had hoped to be here but because of a conflicting assignment in testifying before another committee, he asked that I express his welcome for you to this committee.

Second, I do have a few questions I would like to ask you. How would you recommend that the BEH should revise Public Law 94-142 regulations in teacher training?

Incidentally, we will also put your whole statement in the record so that we will have it all there. I realize that you abbreviated it.

Mr. **Brown**. Thank you, Senator.

I would suggest that one of the major needs before us today is to increase training and retraining of all professional personnel, particularly regular classroom teachers. As more and more children are mainstreamed and find their way into the regular classes, those teachers need to be retrained in terms of learning and acquiring additional strategies that will help to do that job.

With respect to what the BEH's can do, it is our opinion that while the development of a comprehensive personnel system makes a great deal of sense, States need to be provided with flexibility in terms of how they meet those objectives.

There have been many additional types of personnel that have found their way into public school systems with respect to delivering services required under this law—occupational therapists, physical therapists, psychiatric consultants, and so on and so forth—that previously had been somewhat foreign to educators' and the need for melding the knowledges of these personnel remain paramount.

What we need in order to do that is the flexibility to deal with the various populations that are unique to the States themselves, and the dollars to deliver the services.

Senator **Schweiker**. You state that parents have chosen to keep their children in more rather than less restrictive settings.

Is that because they feel the child is getting more and better services in more restrictive settings?

Mr. **Brown**. I think you are referencing, Senator, the statement I made with respect to the pendency issue; that is, administrative hearings that are required by the law where at this point in time parents may object to the school system's feeling that their child can be served in a less restricted environment.

The parents at the present time may have their child in a private day school. The school system may feel they can provide those services adequately and appropriately at this point in time.

As a result of the hearing process and the pendency issue which would allow that child to remain in the more restrictive placement that she or he may now be in, until such time as a court decides otherwise.

Our concern with that is the backlog in the courts could very well cause children to be in inappropriate programs for 3 or 4 years while awaiting that decision.

Senator **Schweiker**. Do you think it would be helpful to have people in the regional offices who could provide technical assistance with Public Law 94-142 to local and State departments?

Mr. **Brown**. I certainly do. I think the Bureau of Education for the Handicapped, with the responsibilities that they have, can be of considerably more help. I think that the extent to which that help can be brought closer to us through the regional offices would be a very positive step.

Senator **Schweiker**. You stated in your testimony that in Massachusetts you had been able to develop a significant degree of cooperation with the State educational agency in supervising and monitoring responsibility.

What strategies did the State educational agency find helpful in facilitating cooperative working relationships with other State agencies? In other words, how did you go about doing this?

Mr. BROWN. The process is one of arduous negotiations with the heads of various other human service agencies that share in this responsibility. It is long; it is tedious, and while it is sometimes productive, our experience has been that where initially we sought to get broad general kinds of agreements, we have now changed that tack and it has been more successful in terms of working toward specific agreements.

For example, we have negotiated with the department of corrections, around the issues of who and under what circumstances special education will be provided to eligible inmates. We do have the responsibility for supervising all of special education, including that which is delivered by these human service agencies; and the only thing I can say to you, Senator, is that there are lots of tough issues; and it takes long hours of negotiating around specific kinds of issues; and the extent to which you can marry on the individual issue, even if you need 10 agreements with one agency, I think it is most important to write those agreements around the specific kinds of issues.

Senator SCHWEIKER. Do you feel your State has pretty well completed most of those agreements?

Mr. BROWN. We have made great progress. One of the most difficult issues remains unresolved. It has lingered for some time, and that is developing access to third-party payments that are provided for within the Public Law 94-142 regulations. In other words, the extent to which private insurers should be pegged for some of the related services that they previously paid for, including medicaid, has been very difficult, even though at the Federal level there have been efforts to clear away some of the bureaucratic redtape. That has not sifted down to the State level yet and we find that exceedingly difficult to accomplish.

Senator SCHWEIKER. Senator Randolph has some written questions that we will send you and would like to have your response.

We thank you very much, Mr. Brown. You have been very helpful. I think you have a good record in Massachusetts to point to in guiding this committee to see what can be done in this area.

Thank you very much.

Mr. BROWN. Thank you, Senator.

[The prepared statement of Mr. Brown with responses to Senator Randolph's questions follows:]

TESTIMONY OF

Roger W. Brown
Associate Commissioner
Massachusetts Department of Education

PRESENTED TO THE

U.S. Senate Subcommittee on the Handicapped

October 3, 1979

## TESTIMONY FOR THE OVERSIGHT COMMITTEE

I welcome the opportunity to testify before the Committee. In addition to my forthcoming testimony, I have already submitted a statement in which I develop more fully my approach to some of the problem areas in PL 94-142. After making my statement, I will be glad to elaborate either on it, or on the written statement you have already read.

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. At the outset, I want to make it clear that I strongly support the current law and regulations. There are, however, some minor suggestions for modification that I will discuss later on. Statistics, as well as the clear impressions of almost all of us concerned, suggest that the implementation of a similar law in Massachusetts has dramatically improved the availability of Special Education and related services over the past five years. We are now in the process of launching a series of studies by the academic and research communities analyzing objectively the effect of our Chapter 766 (and PL 94-142) on the quality of Special Education in Massachusetts. We are confident that the results will be positive; we are equally confident that we can still learn much about improving the quality and efficiency of Special Education programs.

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BEST AVAILABLE COPY

TABLE 3

## VOCATIONAL EDUCATION ANNUAL PLAN

Program Services and Activities

FY-1980

## ATTACHMENT "D"

Section 120 (b) (1) (A) Level secondary

Program Title Handicapped

Agency Responsible X 1 - Local Educational Agency
X 2 - State Board of Education
___ 3 - Board of Regents

| Goal | Description of Goal (Curriculum, Activities, etc.) | Current Status | Outcome Projected | Funds Required | | | |
|---|---|---|---|---|---|---|---|
| | | | | Local | State | Federal | Total |
| To initiate new and improve existing vocational programs designed to eliminate sex stereotyping and to assist handicapped individuals so that they can succeed in regular programs. | 1. Provide funds for maintenance of effort for continuing secondary programs: | | | 182,979 | a)770,082<br>b) -0- | 519,495<br>*15,186 | 1,487,742 |
| | (a) Special Programs for Handicapped | 73 - FY78<br>50 - FY79 | 50 programs | | | | |
| | (b) Supportive Service Programs for Handicapped within regular programs | 9 - FY78<br>11 - FY79 | 11 programs | | | | |
| | (c) School for the Deaf and Blind | 8 - FY78<br>19 - FY79 | 19 programs | | | | |
| | (d) Summer | 1 - FY78<br>1 - FY79 | 2 programs | | | | |
| | 2. To provide funds for Start-up cost of new and supportive service programs designed to increase enrollment of Handicapped students in regular secondary programs | 3 - FY78<br>2 - FY79 | 7 programs | | a) -0-<br>b) 72,400 | 11,035 | 83,435 |
| | 3. To provide funds for Start-up cost of new special programs, if so required by an IEP | 6 - FY78<br>4 - FY79 | 0 programs | | | | |
| | | | Total | 182,979 | a)770,082<br>b) 72,400 | 545,716 | 1,576,177 |

a) State Basic Foundation Aid
b) State Vocational Aid
*) Anticipated FY79 Carryover

It has been most difficult to provide appropriate service for young persons with special needs in state-operated institutions, which in many cases involve overlapping jurisdictions among various state agencies and local educational agencies. I am not about to argue that we have resolved all problems in this area, as my later suggestions will indicate, but I do say that remarkable progress has been made with the support of the Legislature and the encouragement of the courts and parents' groups. For example, in institutions maintained by the Department of Mental Health, where our Bureau of Institutional Schools provides educational programs, earlier figures showed only half of those requiring programs received only 20% of the services they needed. In addition to moving many institutionalized youngsters fully or on a part-time basis into community facilities and offering incentives for local school systems to provide programs, we are now in a position to provide virtually 100% of the needed Special Education and related services to 100% of that institutionalized population.

These figures are heartening and illustrate that 94-142 can be implemented. Some aspects of the law are worth singling out because of their particular importance. PL 94-142 and Chapter 766 suggest that parents (and young persons when they are of appropriate age) can and should make an important contribution to decisions concerning the education of children with special needs. When old habits of paternalism are cast off, this sets up the possibility of a partnership of equals in determining educational goals and the means to obtain them.

Another critical portion of 94-142 is the "individualized educational plan"--or the IEP as it is referred to. This has established and institutionalized the important concept that school systems teach children--rather than simply subjects. This requirement has been particularly important at the secondary level wherelearning had traditionally been less personalized. A Massachusetts suburban high school which in 1973-74 had 27 drop-outs illustrates the point. In 1974-75, after implementation of Chapter 766 with its requirements of the IEP, the school had only three drop-outs. During that year, the school changed neither its faculty nor its students. Rather, the law had helped inspire administrators and staff to look at drop-outs in a different light--as youngsters with individual special needs, rather than troublemakers to be pushed out.

Although much criticism surrounds the IEP, I think it is one of the most beneficial things we have ever done for children; in short, it is a necessary part of the law. It helps children, parents, and teachers, and in one sense--despite the controversy--is nothing new. It is a formalization of what good teachers in elementary schools have been doing for some time--tailoring their instruction to the capability of the child, but now improved upon by the assurance, through evaluation procedures, of a broader base of descriptive information to plan around.

I feel strongly that this requirement of the law should remain unchanged. Despite initial problems with its implementation in Massachusetts--partly caused by lack of training and confusion over its orientation--most school people including overworked teachers, strongly support the IEP requirement and feel that it is working well. In fact, we have school superintendents who want to make the IEP available to all of their children--not merely those with special needs.

What I do suggest, however, is initiation of a national study to pinpoint the most appropriate methods to sensitize and familiarize local administrators to the philosophy underlying the IEP. My fear here is that overworked school people may tend to conform to the letter of the law in rote fashion unless they fully understand the educational benefits that can be derived from individualizing education.

This brings me to my suggestions on which I have elaborated in the written statement. I will merely summarize them here:

1) The Federal government should develop and disseminate a set of strategies to help state education agencies in various states exercise their supervisory and monitoring responsibilities over other state agencies in matters of Special Education. Model interagency agreements are not enough. We have been fortunate in Massachusetts, after considerable effort, to develop a significant degree of cooperation. Most states have not been so fortunate in dealing with overlapping jurisdictions. I can't pretend to have an answer to this one. It is quite possible that BEH, in trying to develop a set of strategies, may determine that the law is unenforceable in its present form and needs revision in this respect.

2) BEH should clarify who is responsible for provision of related services and develop strategies to help state educational agencies deal with this question at the local level. If such an effort is not made, it is apparent that education will end up picking up the cost of psychological and medical services that should be borne by other agencies or third-party insurers. At a time when there is great pressure on public agencies to cut spending, it is not surprising that other agencies seek to shift these burdens to local school systems. What is even more alarming is the threat that, as one Massachusetts special educator put it: "The new special education legislation could become a social welfare program for the upper middle-class and their children." Certainly, part of our earlier experience suggests that many in this group seeking private placements for their children were among the first to take advantage of the due process aspects of the law.

3) Congress should fund PL 94-142 now at the full ceiling. Together with Section 504, this law is having profound impact on Special Education in all states. It is also meeting significant grumbling and passive resistance. Critics in Massachusetts have charged that the federal government is seeking to have a greater influence in Special Education than its contribution should warrant. I believe that it is somewhat unrealistic to expect states to be in a position to fully comply with Section 504 without any funding, and increase services under 94-142 with increases barely keeping pace with inflation. This is an even more serious problem for states which have not had the headstart or implementation that we have had, and who, like Massachusetts, are facing tax revolts and pared budgets at the state and local levels. I strongly believe that the federal government must increase its share of funding for special education.

Here in Massachusetts, the children requiring services have been identified, but there are still populations which are underserved. Included in this area are: incarcerated and court-adjudicated youth, students requiring vocational education and special education, preschool students. In addition, states and local schools must achieve true quality of services. We would define true quality as optimum programming that is cost-effective and provides for maximum choices for the students. Cutting across all of these thrusts is the need for new training and retraining of staff. Massachusetts does not have surplus funds. Both the state and local school districts are faced with caps on spending and level funding. Quality programs are dependent upon federal dollars.

4) Congress should consider amending the law to allow administrative decisions to become final after the State Educational Agency (SEA) review. Currently, SEA administrative decisions in favor of parents are final and binding as of the date of issuance. SEA administrative decisions in favor of schools are not final and binding where the parent brings a civil action in state or federal court. We have found that appeals to the courts can drag on for from 2-3 years with potential for a youngster being inappropriately placed for that entire period. And in cases where the court later upholds the decision of the SEA, the parent may initiate a new appeal retaining a child in a placement held to be inappropriate three years prior. In Massachusetts it has usually been the case that parents have opted to keep their children in more rather than less restrictive settings; thus contravening the spirit and original intent of the legislation.

We have also noticed that local school systems are becoming more hesitant in recommending expensive private school placements, fearing that such placement could become permanent. even though their own capacity to meet needs may change. If the SEA appeal decision was final, as was the case with Chapter 766, the parent could either place the child in the program found appropriate, seek a stay of enforcement through the courts, or continue the child in the current placement at their own expense. A trade-off for the recommended change would be increased effort to provide parents with trained advocates who could support them in the appeal process and afterwards. The advocate is most crucial at the administrative hearing, as that is the record on which subsequent court decisions are based.

5) Unless the Office of the General Counsel (OGC) comes up with a different legal interpretation of the requirements for non-supplanting waiver, Congress should modify the law to provide a greater incentive for compliance. OGC now interprets the law to require that every child with special needs, in every city and town in the state will be receiving appropriate special education for the state to be eligible for a waiver of the non-supplanting provision of the law. We believe that the law should permit a waiver if a state is in substantial compliance. We believe that the following conditions represent substantial compliance:

First: A state must provide free, appropriate public education to all young persons ages 3-21 years in the direct custody of state agencies.

Second: The state must initiate an aggressive program to identify and provide services for underserved children.

Third: The state must have a due process system which meets the requirements of PL 94-142.

Fourth: The state must have instituted a system which monitors and maintains ongoing compliance with PL 94-142 by local educational agencies.

We have met these four criteria and feel that it would be in the best interests of kids in Massachusetts if we were to be granted a waiver, now impossible under the current legal interpretations.

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6) BEH should provide more funds specifically for training and more flexible strategies for personnel development. The greatest single problem in implementing PL 94-142 is the massive training necessary at the local level, particularly for regular teachers and administrators, both in sensitivity and in substance. BEH should direct more money specifically toward this problem and try to develop strategies to help state educational agencies coordinate the efforts of the huge training establishments in their states in an effort particularly to improve the quality of local training. The PL 94-142 regulations, as written, provide little help in this regard. They are unclear, too detailed and complicated, and too rigid. They need significant revision.

7) Congress should fund and staff BEH adequately to carry out the mandates of PL 94-142. I don't believe that BEH has the staff at this time to monitor implementation of PL 94-142 in even a minimal manner, let alone provide the technical assistance and strategy development I have suggested above. In the Massachusetts Annual Plan for Special Education this year, discussing one issue of concern related to BEH administrative reviews, we recommended, "Rather than have Federal review teams merely identify the limited problems within individual school systems of which we are already aware, we would find it more helpful if the Federal government, with its experience with other states, were to assess our overall complaint/compliance system and help us to develop a strategy for dealing with the dilemma of follow-up versus review of new school systems."

One specific example within BEH is worth citing: Congress, in the budget for next year, reduced funding for the external studies for the Program Studies branch, which now has only two staff persons. The intent was that Programs Studies would do its own studies of implementation of PL 94-142, and report to Congress. I doubt whether you will get much genuine information if that cut stands.

In closing, I want to express my appreciation for the opportunity to testify and to reiterate my strong support of PL 94-142. I believe that states can comply substantially with it, as we have in Massachusetts, and that it offers our best hope that states will serve their children most in need of special education in an efficient and progressive manner. Thank you very much.

Division of Special Education
The Commonwealth of Massachusetts
Department of Education
31 St. James Avenue, Boston, Massachusetts 02116

OCT 29 1979

Received
Date 10-30-79
Subcommittee on
The Handicapped

October 22, 1979

Sen. Jennings Randolph, Chairman
Subcommittee on the Handicapped
Room 4230, Dirksen Senate Office Bldg.
Washington, D.C., 20510

Dear Senator Randolph;

Enclosed please find as requested, responses to questions regarding education of the handicapped in Massachusetts, designed to expand upon testimony that I provided to the Committee on October 3, 1979.

We are pleased to be able to share this state's insights and experiences on the implementation of P.L. 94-142.

Sincerely,

Roger W. Brown

Roger W. Brown
Associate Commissioner
Division of Special Education

## RESPONSES

## STATE LEVEL PERSONNEL

ROGER W. BROWN - QUESTIONS

### 1. HOW WOULD YOU RECOMMEND THAT BEH REVISE THE PUBLIC LAW 94-142 REGULATIONS ON TEACHER TRAINING?

The responsibilities of the State educational agency under section 121a.380 (Comprehensive System of Personnel Development) are too broad. The requirement, "...that the state educational agency insures tnat ongoing inservice training programs are available to all personnel who are engaged in the education of handicapped children...", presumes that the SEA has authority over other state agencies providing services to handicapped children. In Massachusetts this is not the case.

The requirements that the State educational agency define responsibilities " (121a.381(b)) or insure" action relative to the Comprehensive System for Personnel Development should be limited to those organizational units over which it exercises some direct authority.

We support the concept of ongoing professional development as critically important to the provision of educational services to handicapped children. However, it is our position that inservice training and professional development is necessary for all educators to insure a quality education for all students.

It is our recommendation that the federal government move toward a consolidation of teacher training requirements under all federal educational assistance programs. Such a consolidation should require applicants/recipients to address all areas of teacher training in a comprehensive plan of which special education is only one component. It has been our experience that the most successful implementation of Chapter 766/Public Law 94-142 has occurred in local districts which have reviewed special education as an integrated component of the total educational system, not a discrete entity. The consolidation of teacher training requirements would foster this concept and extend benefits to a wider range of students.

## STATE LEVEL PERSONNEL - DUE PROCESS

QUESTION 1: HOW MANY DUE PROCESS COMPLAINTS HAVE BEEN FILED IN YOUR STATE SINCE PUBLIC LAW 94-142 WENT INTO EFFECT? HOW MANY WERE RESOLVED BY INFORMAL MEDIATION? HOW MANY DUE PROCESS HEARINGS HAVE BEEN HELD? HOW MANY DECISIONS WERE APPEALED? HOW MANY DECISIONS WERE DECIDED IN FAVOR OF THE PARENTS? THE SCHOOL DISTRICTS?

Please see question 23 under General Questions for School Administrators for the first part of this question.

Our decisions divide equally between parents and schools. This past year 49% favored schools, 50% favored parents, 1% others.

QUESTION 2: ARE THERE PATTERNS IN DUE PROCESS COMPLAINTS IN YOUR STATE?

Parents generally are seeking more restrictive placements. A good number continue to seek private day and residential schools and related services(particularly psychotherapy) Current cases include several vocational special education placements; children who have fallen through the cracks and no human service agency alone can provide services; requests for summer programs.

## STATE LEVEL PERSONNEL - IEP

QUESTION 1: IS EACH INDIVIDUALIZED EDUCATION PROGRAM DEVELOPED FOR A HANDICAPPED CHILD UNIQUE, OR IS THERE A "MASTER" IEP FORM WHICH TEACHERS, PRINCIPALS AND OTHER PARTICIPANTS ARE ENCOURAGED TO USE?

Please see question 13 under General Questions for School Administrators.

QUESTION 2: ARE THERE ANY PATTERNS OF DISAGREEMENT BETWEEN PARENTS AND EDUCATORS IN THE DEVELOPMENT AND IMPLEMENTATION OF IEPS?

Please see responses to questions 1 and 2 under State Level Personnel - Due Process.

STATE LEVEL PERSONNEL - IEP cont.

QUESTION 3: HAVE YOU ENCOUNTERED ANY DEMAND FOR IEP'S FOR NON-HANDICAPPED STUDENTS IN YOUR STATE?

We have school superintendents who want to make the IEP available to all of their children - not merely to those with special needs. A particular superintendent was seeking funds two years ago for expansion of the system to provide IEP's to all secondary school students. He indicated he might go ahead whether funds were provided or not.

STATE LEVEL PERSONNEL - SECONDARY SCHOOL

QUESTION 1: A 1979 REPORT BY THE HEW INSPECTOR GENERAL FOUND IN SCHOOL DISTRICTS SURVEYED THAT..."SPECIAL EDUCATION PROGRAMS WERE WEAK AT THE JUNIOR HIGH AND HIGH SCHOOL LEVELS.." IN YOUR JUDGEMENT, HOW DOES THIS FINDING RELATE TO THE SECONDARY CURRICULUM IN YOUR STATE? WHAT TYPES OF VOCATIONAL EDUCATION PROGRAMS DO YOU HAVE TO ENABLE NON-COLLEGE BOUND HANDICAPPED STUDENTS TO BECOME EMPLOYABLE MEMBERS OF THE LABOR FORCE?

Please see question 12 under General Questions for School Administrators.

QUESTION 2: PLEASE DESCRIBE HOW YOUR STATE DEPARTMENT OF EDUCATION AND THE VOCATIONAL REHABILITAION AGENCY IN YOUR STATE COOPERATE TO ENSURE THAT SECONDARY LEVEL HANDICAPPED INDIVIDUALS HAVE A SMOOTH TRANSITION TO EMPLOYMENT AND/OR FURTHER SCHOOLING?

An agreement is presently in place between the Massachusetts Department of Education, Division of Special Education and the Massachusetts Rehabilitation Commission, this state's rehabilitation agency. This agreement, dated May 1977, addresses the need for cooperative transitional planning for special needs students who are approaching high school graduation or their 22nd birthday.

Although transitional planning at the stage when a student approaches the termination of education services available under Chapter 766 and P.L. 94-142 is adequate for some handicapped and special needs youth it does not provide for cooperative planning and service delivery to youth who may benefit earlier in their secondary programs.

It is to address this issue that the Division and the Commission have developed a draft agreement which outlines procedures for earlier involvement by the Commission, namely at the time when a student enters the secondary level or when a specific vocational goal can be established. The purpose, therefore, of this new agreement will focus on developing collaborative long range planning capabilities for handicapped and special needs youth who most appropriately would benefit from vocational education and training programs,coordinated service delivery in terms of services available to students under Chapter 766 and through the Commission, innovative curriculum design, and assessment procedures to better meet the vocational needs of these youth.

The Massachusetts Rehabilitation Commission has been closely involved, along with CETA, the Division of Occupational Education and this division in planning for a statewide effort to increase and expand vocational opportunities for special

QUESTION 2: cont

needs youth. The outcome of that planning is the current implementation of over forty collaboratively funded projects across the state to achieve this goal. This project was made possible through a unique funding agreement between the Division of Occupational Education and the Division of Special Education. Local school districts in responding to a Request for Proposals were encouraged to develop programs collaboratively with local Massachusetts Rehabilitation Commission and CETA offices and evidence of collaborative efforts was a significant criteria for project awards.

In several instances cooperative arrangements have been developed and implemented on the local level and it is expected that with continued efforts by the Divisions of Occupational and Special Education, coordinating with the Massachusetts Rehabilitation Commission and other service providers, in conjunction with a new agreement soon to be in place, we will see increased cases of locally based inter-agency planning and program implementation for secondary youth with special needs.

Additionally, for more than a year the Department, through the Division of Occupational Education, has been involved with the Commission through their membership on the Occupational Education /MRC Liaison Committee. The focus again has been on cooperative vocational planning for handicapped youth. As a result of this group's efforts an assessment and training center has been established at one of this state's comprehensive high schools which is collaboratively funded by CETA, Division of Occupational Education and Massachusetts Rehabilitation Commission. This group has also been instrumental in planning for a statewide conference involving Rehabilitation, Occupational Education, Special Education and CETA.

QUESTION 3: WHAT TYPE OF GRADUATION CERTIFICATION IS PROVIDED HANDICAPPED INDIVIDUALS IN YOUR STATE?

Please see question 16 under General Questions for School Administrators.

## STATE LEVEL PERSONNEL - FUNDING

QUESTION 1:
DOES YOUR STATE BUDGET PLANNING CYCLE TAKE PLACE PRIOR TO FINAL APPROVAL OF YOUR 94-142 STATE PLAN? IF SO, WHAT EFFECT DOES LATE RECEIPT OF A FIRM FEDERAL GRANT COMMITMENT HAVE ON EFFECTIVE PROGRAM PLANNING AND EXPANSION OF PROGRAMS FOR HANDICAPPED CHILDREN?

Yes, our state's budget planning cycle takes place prior to approval of 94-142 State Plan.
Local Education Agencies within the Commonwealth utilize current year federal funds to support programs approved under their P.L. 94-142 entitlement funds, e.g. fiscal year 1980 federal funds are used to support programs initiated for the 1979-1980 school year. A late receipt of a firm federal grant commitment would result in a delay in these programs and possible reduction in service to handicapped students.

QUESTION 2: WHAT EFFECT DO YOU FEEL THE "PROPOSITION 13 MOVEMENT" HAS HAD ON THE SPECIAL EDUCATION SERVICES AND RELATED SERVICES AVAILABLE TO HANDICAPPED CHILDREN?

Those services seen by many as non-essential, i.e. in-service training, music, art, physical education, but often very necessary for handicapped students, may be the first to be cut. Forced reduction in staff will cause larger teacher-student ratios leading to constraints on school districts' ability to "mainstream" students into the regular classroom. Further, the inability to hire adequate numbers of teacher aides will also constitute a disadvantage to handicapped students.

QUESTION 3: WHAT PROPORTION OF YOUR TOTAL SPECIAL EDUCATION BUDGET IS CURRENTLY USED TO PAY PRIVATE PLACEMENT COSTS? ARE OTHER AGENCIES SHARING THESE COSTS WITH THE EDUCATION AGENCY? IF SO, TO WHAT DEGREE ARE THESE AGENCIES SHARING COSTS?

Total Special Education Budget

| | | |
|---|---|---|
| 7028-0001 | 1,353,000 | |
| 7028-0302 | 15,388,370 | (12,788,370) Tuition |
| 7028-0303 | 200,000 | (164,340) Tuition |
| 7028-0031 | 10,849,500 | |
| 7028-0071 | 2,400,000 | |
| 7028-0101 | 2,000,000 | |
| | ------------ | |
| | 32,190,870. | 12,952,710. = 40% |

Does not include state aid reimbursement for education.

No. Other agencies are not cost sharing.

STATE LEVEL PERSONNEL - FUNDING cont.

QUESTION 4: WHAT PROPORTION OF YOUR SPECIAL EDUCATION EXCESS COSTS ARE PROVIDED FROM LOCAL, STATE AND FEDERAL SOURCES?

FY'79 Special Education Budget

| | | | |
|---|---|---|---|
| Local share | $116,387,679. | = | 42% |
| State share | 140,619,803. | = | 51% |
| Federal share | 17,146,000. | = | 6% |
| total | $274,153,482. | | |

## RESPONSES

## QUESTIONS FOR SCHOOL ADMINISTRATORS

### GENERAL QUESTIONS FOR SCHOOL ADMINISTRATORS:

### QUESTION 1: WHAT PRESCHOOL IDENTIFICATION AND EVALUATION PROCEDURES ARE USED IN YOUR SCHOOL DISTRICTS?

Massachusetts state law (Chapter 766) requires that free and appropriate services be provided for all children with special needs age 3 to 21. Thus Massachusetts school districts assume responsibility for children with special needs beginning at age three. Each school district is required to develop a plan for "continuous and systematic effort to identify children in need of special education" (303.0, Regulations for Chapter 766). These plans must include provisions for an optional annual registration for parents wishing to refer their children for evaluation; annual or more frequent workshops for parents explaining the availability of services for children ages three and four; and annual screening for three and four year old children whose parents may suspect have a special need. In addition districts have ongoing public information articles and programs in local media including announcements of times,dates and places of free orientation workshops and free screening. Communications with other agencies serving young children in the community is maintained in order to facilitate the early identification and referral of three and four year old children to the local school system. In particular, agencies serving children with special needs below the age of three and programs such as Head Start serving three and four year olds are involved. The annual screening procedures used in each district vary but each must have certain components. Early childhood developmental screening is a brief assessments procedure used to identify children who may need further evaluation and education intervention.

The intent is to determine quickly and efficiently whether this child should undergo a more indepth evaluation. As such, the screening procedures used by the local districts must have the following components; Family history; medical; vision;hearing; motor and language functioning. The person(s) conducting the screening for three and four year olds must have training and/or experience in working with young children. If it is determined from the screening that a child should receive a more in depth evaluation, the parent and child are referred to the local system for this evaluation. In addition to the screening procedures, a child may be referred by any of the following persons to the system for an evaluation: school official; parent; social worker; physician, or person having custody of the child.

The procedures of this evaluation for three and four year old children are the same as those for older children. For each individual full evaluation, a team of professionals are assembled to provide the diagnostic assessments and to write the individual educational plan for the child. This team must consist of :

QUESTION 1: cont.

a chairperson; registered nurse; social worker or certified guidance counselor; a certified psychologist; a physician; a teacher who has recently had or currently has the child in a classroom (if available for a three and four year old); an administrative representative of the school system; a parent; the teacher who may be teaching the child as soon as this is known; any specialist or consulting teachers who may be providing service; and an early childhood specialist. Any professional who is currently working with the child may be included at the parents request and their expense.

Before any evaluation can take place, the parents must have an opportunity to meet with the chairperson of the team to discuss the reasons for the referral, nature of the evaluation and provide written consent to the evaluation team. The full evaluation must include the following assessments: educational, health, psychological, family history and any additional assessments by specialists deemed necessary.

After these assessments are complete the team must meet to write the individual educational plan for the child. This plan must state specific objectives, suggested methodologies and teaching approaches, and types and amounts of services required. Before any plan can be implemented it must be accepted by the parent(s) of the child. As stated above, these procedures are identical with the procedures for school age children. The only difference is the inclusion of an early childhood specialist for the team and the inclusion of a teacher from a program outside the public schools if the child has been enrolled in such a program.

QUESTION 2: BESIDES THE PUBLIC SCHOOLS, WHAT OTHER LOCAL AND STATE AGENCIES ARE INVOLVED IN THE IDENTIFICATION AND EVALUATION OF PRESCHOOL HANDICAPPED CHILDREN?

Other agencies involved in the identification and evaluation of preschool handicapped children would be the Department of Mental Health and the Department of Public Health. The Office of Children and the Department of Public Welfare would be involved in identification only and might refer children to Local Education Agencies or other agencies for evaluation. The Department of Mental Health is clearly directing its attention now to early identification and the 0-3 year old.

QUESTION 3: WHAT TYPES OF PRESCHOOL PROGRAMS DOES YOUR SCHOOL DISTRICTS PROVIDE FOR HANDICAPPED CHILDREN?

The programs for three and four year old children in Massachusetts are of three major types:

1. Home based services which include services to children at the location of their primary care providers (home or family day care centers). These services may include home visits, instruction for parents or care providers, provision of materials for use with child and regularly scheduled group sessions for parents.

QUESTION 3: cont.

2. Integrated center-based programs. These programs are designed to the general population of children ages three and four but may include up to fifty percent children with special needs children. These programs must have licensing to serve special needs children. These programs may be operated outside of the local school system and the school district will assume the cost for the placement of the child in such program. In addition the school system may provide any additional services needed by the child which are not normally provided to children in the program (i.e. speech therapy, occupational therapy.)

3. Separate center-based program. These are classroom programs in which more than fifty percent of the children have special needs. These programs may be operated within or outside of the system. If the program is operated outside the system it must be licensed by the Office for Children and appproved by the Regional Review Board. In addition, in order to place an individual child in a substantially separate classroom outside the public school system, the school district must obtain Regional Review Board approval.

QUESTION 4: WHAT TYPES OF TESTS AND OTHER PROCEDURES ARE USED IN THE IDENTIFICATION AND EVALUATION OF HANDICAPPED CHILDREN IN THE SCHOOL DISTRICTS?

There does not seem to be a systematic procedural approach throughout school systems for referring and assessing potentially handicapped students. In some school systems a building level central approach for referral and screening is followed. Other school systems utilize a centralized approach for referral and identification of potentially handicapped students. However, there are a number of tests that seem to be most often used by assessors in evaluating these students. Some of these commonly used tests are: the WISC-R, Peabody Picture Vocabulary, Bender-Gestalt, Draw-a-Person, House-Tree-Person, Columbia Mental Maturity Test, the ITPA, the Slingerland, and the Berry Visual Motor Test.

The evaluations have consisted primarily in testing, in the area of intelligence and learning disabilities. There are usually few assessments conducted in the area of socio-emotional growth. For example, in referral for emotional problems, great emphasis is placed upon intelligence testing and testing in learning disabilities, little emphasis on socio-emotional evaluations.

Another area of concern in the battery of tests being utilized in school systems is the lack of testing in the adaptive

QUESTION 4: cont.

area. Adaptive testing is particularly necessary in the assessment of minority students in order to determine those students who are considered retarded from those students who are just educatively deprived. There is little use of adaptive batteries such as: the Vineland Social Maturity Test, and the adaptive battery used in SOMPA. Furthermore, assessments conducted in local school systems are generally not useful in developing individual educational plans. Psychologists need more training in diagnostically interpreting testing results. They often times are too concerned with raw scores, percentile ranks and norms. Psychologists are not providing teachers with a better understanding of how the student functions and processes information. In addition, teacher observations are not well documented and home assessments are not as comprehensive as needed in order to develop the most appropriate IEP for students. The psychological assessment appears to be given the highest priority in making placement and programming decisions. All of the individuals in the team evaluation process are not being given equal weight in making major decisions. Therefore pshychologists are left with too much authority.

At the present the Division of Special Education is surveying the most widely used instruments in public schools and will publish an analysis of the appropriate usage of these instruments of minority students as well as with other students. The greatest need in evaluating handicapped students is to provide better training for those doing the assessments. Too much emphasis is being placed on what is being used and too little emphasis on how to use it on order to be able to teach handicapped children.

QUESTION 5: IN WHAT WAYS, IF ANY, DO LIMITATIONS ON AVAILABILITY OF A PARTICULAR SPECIAL EDUCATION RESOURCE INFLUENCE WHICH TYPES OF HANDICAPPING CONDITIONS ARE IDENTIFIED, EVALUATED AND SERVED?

My sense is that the problems occur not at the evaluation level but at the service delivery level and are most obvious in vocational programs where there is little desire to be flexible in secondary programs for severe behavior disorders.

QUESTION 6: TO WHAT DEGREE HAVE YOU USED PRIVATE PLACEMENTS IN ORDER TO PROVIDE THE EDUCATIONAL SERVICES NEEDED BY HANDICAPPED CHILDREN?

a. In general, what are the reasons for private placements in the school districts?

Reasons for private placements in the school districts include:

1. failure of public schools to provide a program which meets the requirements of the student's IEP;
2. inability of the public school to provide the 24 hour programming required by some students;
3. inability of some students to reside at home while participating in the program required by their IEPs;
4. inability of a certain low incidence population to function and learn outside of a Department of Public Health or Department of Mental Health facility or a very specialized private school setting.

b. Is there any pattern by handicapping condition in your private placements?

Pattern by handicapping condition in private placements includes:

1. low functioning MR;
2. autistic or autistic-like;
3. low functioning deaf or blind, often with multiple handicaps (physical and/or emotional);
4. severely brain damaged;
5. adolescents with severe behavior problems (character disorders ); (many of these students are intellectually capable of functioning in a public school setting; however, their behavior is not acceptable in this setting)
6. severely multiply physically handicapped;
7. severely learning disabled

c. Have these placements in private programs been the result of local school districts not having an appropriate program for these children?

Placements in private programs the result of local school districts not having an appropriate program -

1. Yes - initially;

However, once identified and treated briefly in a private setting, many students could be returned fully or partially to a public school or collaborative setting. Most school districts are not identifying populations, establishing programs ( alone or in con-

QUESTION 6: cont.

junction with other school districts) and returning students to less restrictive settings. The more frequent and better use of annual reviews of students placed in private setting by both the public and private schools would facilitate the above.

2. Additionally, some placements in private schools occur as the result of parental pressure exerted on public schools or the lack of parental confidence in the public school programs. Parents often feel that children will receive better services in a private school.

Essentially, there is little difference between the services received in a private day school program or in a public school special education program established to serve the same population.

d. How many of these children were placed in private programs prior to the implementation of P.L. 94-142?

To meaningfully answer this question would require a timeline beyond the scope of this testimony deadline.

QUESTION 7: IN WHAT TYPES OF EDUCATION SETTINGS, BESIDES THE REGULAR CLASSROOM, ARE HANDICAPPED CHILDREN IN THE SCHOOL DISTRICTS RECEIVING EDUCATION AND RELATED SERVICES?

1. Collaboratives
    a. between districts
    b. self contained
2. Alternative schools
    a. on-site
    b. off-site
3. Hospitals
4. Community centers
5. Work/study programs
6. Special Education classes
7. Resource room
8. Learning centers
9. State Schools
10. Private schools
11. Department of Youth Services facilities
12. Youth Detention Centers
13. Correctional facilities
14. Rehabilitation center
15. Department of Mental Health facilities
16. Work Activity Center
17. Vocational schools
    a. afternoon program
18. CETA programs

QUESTION 8: WHO IS PROVIDING THE MAJORITY OF EDUCATIONAL SERVICES FOR HANDICAPPED CHILDREN?

For most handicapped children in Massachusetts , educational services are provided by both regular and special education staff. Special education teachers and aides provide the special education component of the IEP. Regular classroom teachers provide educational services within the regular classroom which may consist of the regular program, modifications of the regular program, or specialized components designed for individual student needs.

The degree to which the regular or special educator is the primary provider of educational services varies with the program prototype to which the student is assigned. The table below displays data for fiscal year 1978 indicating the percentage of time handicapped students receive services from regular and special education staff.

| TYPE OF PROGRAM | PERCENT OF EDUCATIONAL SERVICES | |
|---|---|---|
| | SPECIAL EDUCATION STAFF | REGULAR EDUCATION STAFF |
| **# of students 11,406.**<br>Regular education program with modification | 9.5 % | 90.5 % |
| **# of students 95,822.**<br>Regular education with no more than 25% time out | 10 % | 90 % |
| **# of students 15,960.**<br>Regular education with no more than 60% time out | 40.7 % | 59.3 % |
| **# of students 16,787.**<br>Substantially separate program | 72.5 % | 27.5 % |
| **# of students 4,042.**<br>Day School program | 100 % | 0 % |
| **# of STUDENTS 1,514.**<br>Residential program | 100 % | 0 % |

QUESTION 9: WHAT HANDICAPPING CONDITIONS HAVE BEEN THE MOST DIFFICULT TO SUCCESSFULLY "MAINSTREAM" INTO THE REGULAR CLASSROOM?

The consensus of the Bureau of Program Audit and Assistance is that it is most difficult to mainstream children who are identified as behaviorally disordered.

QUESTION 10: HOW WOULD YOU RESPOND TO THE CONCERN THAT SOME HANDICAPPED CHILDREN ARE BEING "DUMPED" INTO REGULAR CLASSROOMS AND THUS ARE RECEIVING FEWER EDUCATIONAL SERVICES THAN WOULD BE PROVIDED IN SELF-CONTAINED CLASSES OR RESIDENTIAL SETTING?

The enrollment data presented in the table below clearly indicates that Massachusetts has not experienced a "dumping" of handicapped children into regular classrooms.

We continue to have as a statewide goal the provision of services to handicapped children in the least restrictive appropriate setting. Our monitoring activities continue to stress that the educational needs of the individual student are the primary factors in determining the appropriation of a particular setting.

| PROGRAM PROTOTYPE | PERCENT OF ALL SPECIAL NEED STUDENTS | |
|---|---|---|
| | OCTOBER 1977 | OCTOBER 1978 |
| 502.1 Regular education with modification | 8.9 % | 7.9 % |
| 502.2 Regular education with no more than 25% time out | 62.1 % | 61.6 % |
| 502.3 Regular education with no more than 60% time out | 10.5 % | 11.4 % |
| 502.4 Substantially separate program | 11.3 % | 12 % |
| 502.5 Day school program | 3.4% | 3.4% |
| 502.6 Residential | 1.6% | 1.6% |
| 502.7 Home, hospital or Regional Adolescent Program | 0.9 % | 0.8 % |
| 502.8 Programs for children ages three and four | 1.2 % | 1.2 % |

QUESTION 11: WHAT FOLLOW-UP PROCEDURES DO THE LOCAL SCHOOL DISTRICTS USE TO KEEP TRACK OF THE EDUCATIONAL PROCESS OF A HANDICAPPED CHILD ONCE PLACEMENT HAS OCCURRED?

Massachusetts educational planning procedures include the selection of a liaison from amongst a handicapped student's service providers at the time of the interdisciplinary evaluation meeting The name and position of the individual selected to serve as the liaison is entered on each student's IEP. Aside from serving as a guide for parents to the maze of personnel who may be providing services,the liaison oversees the full implementation of the student's IEP, monitors the student's progress and requests reviews or re-evaluations if necessary. Evaluation and monitoring techniques corresponding to each goal which is established for the student are delineated in the IEP. The student's progress towards meeting the goals and objectives is reviewed, discussed with parents and modified if necessary on a quarterly basis. The resulting quarterly progress reports provide much important information to the evaluation team members who annually review the student's progress, determine the appropriateness of the prescribed program and placement and accordingly, develop a new IEP. Further, on an annual basis, school committees are expected to evaluate all special education programs. One aspect of this requires that if more than ten percent of special needs students assigned to a particular program fail to achieve their goals, then steps must be taken to ascertain whether the necessary corrections lie in the prescription or the program. As appropriate, corrections are then carried out.

QUESTION 12: A 1979 REPORT BY THE HEW INSPECTOR GENERAL FOUND IN SCHOOL DISTRICTS SURVEYED THAT...."SPECIAL EDUCATION PROGRAMS WERE WEAK AT THE AT THE JUNIOR HIGH AND HIGH SCHOOL LEVELS."

a. In your judgement, how does this finding relate to the secondary curriculum in your school districts?

The Commonwealth of Massachusetts does not agree with this finding by the HEW Inspector General. Massachusetts has made substantial gains in the quantity and quality of special education services offered at the junior high school and high school levels throughout the state. The need to expand special education services at these levels has been identified and responded to through the state's special education monitoring procedures.

Accordingly, the Commonwealth of Massachusetts finds itself in good to excellent shape with regard to the availability of special education services at the junior high school and high school level of programming.

QUESTION 12 cont.

b. what types of vocational education programs do you have to enable non-college bound handicapped students to become employable members of the labor force?

Massachusetts has recently initiated a unique five year effort to expand vocational opportunities for students with special needs at the secondary level. This effort establishes a collaborative funding mechanism between the Massachusetts Department of Education's Division of Special Education and Division of Occupational Education to assist local school districts with efforts to expand or modify existing vocational education programs to accommodate more students with special needs, or to initiate new vocational education programs for students with special needs.

In FY '80, 3.2 million dollars was awarded to forty-one school districts on a competitive basis, to expand vocational education opportunities for students with special needs.

Thirty three of the grant awards were for occupational training programs and eight of the grant awards were for occupational exploration, assessment and/or pre-vocational training. It is anticipated that approximately 3,000 secondary school age students with special needs will derive benefits and services from these programs.

Massachusetts is actively encouraged school districts to collaborate with their local CETA office in the development and implementation of vocational education programs for the handicapped. Several of the grant awards mentioned above are very closely coordinated with CETA resources and should provide not only quality vocational programming for the handicapped but also replicable models of how schools and other human service agencies can collaborate to meet the vocational education needs of the handicapped.

The collaborative efforts of the Divisions of Special Education and Occupational Education will continue and will focus on continuing to expand vocational education opportunities for those with special needs. The Massachusetts Department of Education, acting through the Division of Special Education will continue to encourage the development of vocational education progress in the comprehensive high schools of the state and will develop and disseminate program guidelines that will ensure quality pre-vocational and vocational programming offered to students with special needs.

QUESTION 13: IS EACH INDIVIDUALIZED EDUCATION PROGRAM UNIQUE OR IS THERE A "MASTER" IEP FORM WHICH TEACHERS, PRINCIPALS, AND OTHER PARTICIPANTS ARE ENCOURAGED TO USE?

As of July 1, 1979, all individualized educational plans (IEP) for handicapped students have been developed on a standardized format. This format was designed over a nine month period with the input of school personnel and subsequently piloted in twenty-seven diverse school districts across the state. It is anticipated that the standardized IEP format will eliminate many problems previously encountered during student transfers, due process procedures, program audits, and in providing appropriate teacher/parent training when a variety of formats were being utilized across the state. It is important to note, however, that a standardized format in no way implies the endorsement of standardized or "master" IEPs. The unique need of each and every student necessitate the development of educational plans which are truly individual. It is highly unlikely that any two students would be found by an interdisciplinary evaluation team to have identical student profiles (learning style, strengths and weaknessess, physical constraints), demonstrate the same current performance levels, be reasonably expected to achieve the same goals and objectives during a given year, nor respond to the same teaching approaches and methods.

## QUESTION 14: WHAT FOLLOW-UP PROCEDURES ARE USED TO ENSURE THAT THE GOALS AND OBJECTIVES OF THE IEP ARE ACTUALLY BEING CARRIED OUT IN THE CLASSROOM?

The procedure we use to ensure implementation of the IEP is the Individual Case Study. This procedure consists of two parts:

Part 1. Review of Student Records

A sampling of student records are reviewed and a checklist completed for each one. (See attached sample pp1-5)

Part 2. On-Site Follow-Up

During the on-site visit, team members interviewed the child's teacher to determine whether required services, materials, equipment, etc. are being provided as specified in the IEP. (p 6)

The parents of these selected students are also invited for an interview and are sent a questionnaire when they are first notified of the record review. (see attached samples)

Any failure to provide required services are noted in the final report with required corrective action.

The Individual Case Study is conducted during a Program Audit or a Compliance Review or may be done during a follow-up visit.

## QUESTION 15: AFTER THE HANDICAPPED STUDENT IS IDENTIFIED, WHAT IS THE AVERAGE AMOUNT OF TIME REQUIRED TO PREPARE THE IEP AND PLACE THE CHILD IN AN APPROPRIATE SETTING?

It has been our experience, based on extensive monitoring of local educational agencies, that it requires an average of 30 to 35 days to prepare an IEP and place a handicapped student in an appropriate setting. It is important to note that the time for any one student may vary considerable based on such factors as level of severity of handicap, and time required to receive parental consent.

## CH. 766/P.L. 94-142 COMPLIANCE REVIEW/PROGRAM AUDIT

Individual Case Study Checklist

PART I STUDENT RECORD REVIEW

Student Name____________________ LEA________ LEVEL________

SCHOOL________________

Parent Name____________________ Reviewer________________

Address____________________ Prototype #______ Not Listed______

Phone____________________ Incorrect______ Should Be______

Key: YES = Meets Requirements
NO = Does Not Meet Requirements
NA = Not Applicable
? = Cannot be determined from folder

Current IEP is result of:
☐ Orig. Evaluation: Full__ Intermediate __
☐ Re-Evaluation: Full__ Intermediate __ (Check # 2 NA)
☐ Annual Review (Check #2 - 12 NA)

Date of Latest Referral for evaluation or re-evaluation____________

Student Enrolled in TBE Program: Yes__No__

| Written evidence shows the following requirements have been met | CODE | YES | NO | NA | ? | COMMENTS |
|---|---|---|---|---|---|---|
| 1. Log of Access on folder | 37 | | | | | |
| 2. Documentation of attempts to modify student's regular ed. program prior to referral | 15 | | | | | |
| 3. Parent notified in writing within five days of referral | 25 | | | | | |
| 4. Parent signed permission for evaluation. Date______ | 26 | | | | | |
| 5. Parent signed for Intermediate evaluation | 27 | | | | | |
| 6. Parent signed for outside specialists . | 18 | | | | | |
| 7. TEAM composition as Required: (* = Inter TEAM) | 18<br>19 | | | | | |
| * a. Chairperson______ | | | | | | |
| b. Registered nurse or social worker or guidance or adjustment counselor______ | | | | | | |
| c. Certified Psychologist______ | | | | | | |
| d. Licensed physician or designee______ | | | | | | |
| * e. Current teacher and referring teacher if not the same | | | | | | |

| Written evidence shows the following requirements have been met | CODE | YES | NO | NA | ? | COMMENTS |
|---|---|---|---|---|---|---|
| f. Administrator | | | | | | |
| * g. Parent of child | | | | | | |
| If no, there is record of effort to involve Parent | 30 | | | | | |
| h. Receiving teacher, when known | 18 | | | | | |
| i. Consulting or assisting teacher if any/when known | 19 | | | | | |
| * j. Approved vocational educator, if required | | | | | | |
| * k. Child 14-21 years | | | | | | |
| Record of invitation to student | 39 | | | | | |
| * l. Early childhood specialist for 3 or 4 year olds | 18<br>19 | | | | | |
| * At least one teacher or specialist with knowledge in the area of suspected disability | | | | | | |
| * All persons who have conducted assessments | | | | | | |
| 8. Assessments completed: Date | 20 | | | | | |
| Educa. Status (ADM) ____ | | | | | | |
| Educa. Assess (SPED) ____ | | | | | | |
| Educa. Assess (Reg.Ed) ____ | | | | | | |
| Psych. Assess. ____ | | | | | | |
| Health Assess. ____ | | | | | | |
| Family History ____ | | | | | | |
| ________ ____ | | | | | | |
| 9. Each assessment no more than 6 months old | 20 | | | | | |
| 10. Each assessment summarized as follows: | 22 | | | | | |
| a. Procedure employed | | | | | | |
| b. Results and diagnostic impression | | | | | | |
| c. Child's needs in detailed, educationally relevant and common terms | | | | | | |
| d. Explicit recommendations to meet needs | | | | | | |
| 11. Assessments and IEP completed 30 school working days.<br>Date of Sped Adm's signature ____ | 23 | | | | | Check date of signature against date in Item 4. |
| 12. IEP contains required elements: | 24 | | | | | |
| * a. Child's performance level | | | | | | |
| b. Physical constraints | | | | | | |
| c. Learning style | | | | | | |
| d. Prioritized general objectives | | | | | | |
| Specific measurable objectives | | | | | | |

| Written evidence shows the following requirements have been met | CODE | YES | NO | NA | ? | COMMENTS |
|---|---|---|---|---|---|---|
| * e. Methodology and teaching approach ____ | 24 | | | | | |
| f. Type and amount of service ____ | | | | | | |
| g. Duration and frequency of service ____ | | | | | | |
| * h. Parent-child instruction (3 and 4 year old) ____ | | | | | | |
| * i. Adaptive physical education services (if required) ____ | | | | | | |
| * j. Specialized materials and equipment (if required) ____ | | | | | | |
| k. Whether individual, small group or class ____ | | | | | | |
| * l. Daily duration of program ____ | | | | | | |
| * m. Number of days per year (if different from required) ____ | | | | | | |
| n. Transportation needs ____ | | | | | | |
| o. Criteria for movement to less restrictive prototype ____ | | | | | | |
| ADDITIONAL ELEMENTS: | | | | | | |
| a. Prototype ____ | | | | | | |
| b. Personnel ____ | | | | | | |
| c. Location ____ | | | | | | |
| d. Whether regular education or special education ____ | | | | | | |
| e. Schedule of services ____ | | | | | | |
| f. Starting date for each service ____ | | | | | | |
| * g. Methods and criteria to monitor progress ____ | | | | | | |
| * h. Activities for integration (502.4) ____ | | | | | | |
| i. Support services and/or training to teacher ____ | | | | | | |
| * These items are required by regulations for new or revised IEP's developed after 9/1/78 | | | | | | NOTE: Date of IEP ____<br>If before 9/1/78 check starred items NA |
| 13. IEP on mandated form | | | | | | |
| 14. Parent signed acceptance/rejection of IEP. Date ____ | 26 | | | | | |
| 15. Parent signed permission for any modifications made to original plan | 29 | | | | | |
| 16. Rejected IEP-notice sent to appeals within five days | 32 | | | | | |
| 17. All quarterly progress reports in folder | 54c | | | | | |

| Written evidence shows the following requirements have been met | CODE | YES | NO | NA | ? | COMMENTS |
|---|---|---|---|---|---|---|
| 18. Quarterly progress reports state goals from IEP; describe progress in behavioral terms | 34b | | | | | |
| 19. Annual review team meeting held Date__________ | 34a | | | | | Check against date in #11. Should be 12 months or less |
| 20. Parent was sent written invitation 10 days prior to review meeting | 34b | | | | | |
| 21. Review TEAM composition as required: Special Education administrator or designee, parents, major service providers and student 14 or older | 34c | | | | | |
| 22. New IEP developed or re-evaluation recommended | 34a | | | | | |
| 23. If re-evaluation is recommended written summary of review meeting sent to parent | 34a | | | | | |

25. Services required by IEP:

| TYPE | TEACHER/PROVIDER | LOCATION | AMOUNT/WK | SPEC. EQUIP/ MATERIAL |
|---|---|---|---|---|
| | | | | |

Spec. Trans/assistants/attendents:

Support/training for teacher:

Designated Liaison Person:______________________________

| Written evidence shows the following requirements have been met | CODE | YES | NO | NA | ? | COMMENTS |
|---|---|---|---|---|---|---|
| These items to be checked when home language is other than English | | | | | | |
| 1. Parent notification letter and permission forms in primary language of home | 28 | | | | | |
| 2. Efforts to involve parent were made in home language | | | | | | Check NA if parent participated |
| 3. TEAM included TBE teacher | | | | | | |
| 4. TEAM included person fluent in primary language of home | | | | | | |
| 5. Invitation to student 14 or older to participate was made in dominant language of student | | | | | | |
| 6. Educational assessment includes language dominance & proficiency | | | | | | |
| 7. Dominant language was used to conduct psychological assessment | | | | | | |
| 8. Primary language of home was used to obtain family history | | | | | | |
| 9. Parent-child instruction is written in parents' home language | | | | | | |
| 10. Specialized materials listed in IEP reflect student's dominant language | | | | | | |
| 11. IEP sent to parent is in home language | | | | | | |
| 12. Any modifications to original IEP sent to parent for signature in home language | | | | | | |
| 13. All quarterly progress reports sent to parents are written in primary language of home | | | | | | |
| 14. Parent invitation to review meeting sent in home language | | | | | | |
| 15. Summary of review meeting sent to parent in home language | | | | | | |

PART II ON-SITE FOLLOW-UP TO RECORD REVIEW

PAGE6

Interviewer: ____________ Date: ________ Student: ____________
Sped Tchr: ____________ Program: ____________ Reg.Ed.(orTBE)Tchr: ________

| (All items in parenthesis should be asked for non-English dominant student) | CODE | YES | NO | Comments |
|---|---|---|---|---|
| 1. Do you have a copy of student's current educational plan? | 43 | | | |
| 2. Were you involved in development of plan? How? | 13 | | | |
| 3. (Were student's dominant language and linguistic needs reflected in the IEP's recommendations?) | 28 | | | |
| 4. Do you feel plan is useful to you? Why? | | | | |
| 5. Has plan been modified since student was assigned to you? If so, how? | | | | |
| 6. Was parent consent obtained? (In parents' home language?) | 26 | | | |
| 7. If prototype changed, who was at TEAM meeting? | | | | |
| 8. Did services begin immediately after parent acceptance of educational plan? | 42 | | | |
| 9. Do services student is now receiving correspond to student's educational plan? | 44 | | | |
| 10. Does student need additional or different services not in educational plan? If so, what services? Have you tried to obtain them? With what results? | 41 | | | |
| 11. Do you have any specialized materials and/or equipment required by plan? | 45 | | | |
| 12. Are you being provided support services and/or training specified in plan? | 46 | | | |
| 13. Are written progress reports sent to parents quarterly? Who else receives copies? (Are they in home language?) | 54<br>28 | | | |
| 14. Are parents invited to discuss child's progress at least quarterly? (Are provisions made for interpreter?) | 54<br>28 | | | |
| 15. Do you coordinate your services with the child's other teachers? How? | | | | |
| 16. Is special transportation being provided as required by plan? | 62 | | | |

17. Are there any problems? (Specify)

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Detailed Guidelines for Compliance Review

The following guidelines provide further explanation or information on the activities listed on the Activities and Timelines Worksheet.

Pre-On-Site Visit

1. Notify LEA of Compliance Review

   A. Call special education administrator and set date to meet with him/her and superintendent for orientation to process

   B. Send formal letter of notification to chairperson of school committee (Appendix A) at least seven weeks prior to anticipated on-site visit with copy to Director of Program Audit and Assistance

2. Meet with special education administrator and superintendent and cover the following agenda:

   A. Overview of Compliance Review including legal authority, purpose and general procedures

   B. Review of materials and forms including LEA responsibilities and SEA responsibilities (Use Responsibilities and Timelines Worksheet). Leave copy of Individual Case Study Checklist with special education administrator and explain how it will be used and a copy of the Documentation Index. (Appendix E)

3. After meeting, review LEA Register of Children in Need of Special Education with assistance of special education administrator or secretary to check for completeness per Regulation 300.0 and select students for Individual Case Study.

   Minimum number of cases -
   12 cases for LEA with up to 200 special education students
   18 cases for LEA with up to 1000 special education students
   25 cases for LEA with over 1000 special education students

   Use Individual Case Study Selection Form (Appendix G) to record names of selected students. Ask special education administrator or secretary to identify the most recent of each of the following specific cases if they exist in the LEA:

   - student in a bilingual special education program*
   - student in a special education vocational program
   - student in a state operated/state supported program (e.g. institutional school, RAP, DYS secure treatment program)
   - student with limited mobility
   - student placed as result of appeal (check at reg. ctr.)
   - student receiving services for a low-incidence handicap (e.g. vision, audition, multi-handicapped)
   - student in collaborative program

* An additional sampling of bilingual and/or minority cases is necessary if LEA is on prima facie denial list. See Appendix H for further instructions.

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After selecting specific cases (top section of form) select remaining cases for any prototype and level not represented in the specific cases

Select the most recent TEAM evaluations or re-evaluations and reviews for each prototype and specific case. If those selected do not represent all levels - preschool through high school - pick next most recent evaluation. If only one at each prototype will be reviewed select the 502.2 or 502.3 at the secondary level and the 502.4 at the elementary level.

If no evaluation has been conducted for a given prototype within the past ten months, then select that prototype or specific case for the review category.

After making list of students have secretary note name, address and telephone number of parent to contact for interview.

4. Collect in-house data during three weeks wait for LEA to submit documentation by checking the following:

   A. Appeals - discuss with BSEA regional representative what, if any, significant problem trends exist for that LEA for mediated or appealed cases for past twelve months

   B. Complaints - look at files or discuss with regional complaint person what, if any, types or complaints have come in for that LEA and the existence of any patterns

   C. Annual Program Plan - review for current year for content and approvals

   D. Fiscal Data - review LEA Plan Data Summary for maintenance of effort and discuss with regional finance person

   E. Regional Center Files - review for required approvals and special notifications e.g.

      - current approvals for greater than thirty-six month age span
      - notifications for home and hospital placements
      - RRB approvals for 502.5 and 502.6 placements
      - waivers for special education staff

   F. Notify RAC that Compliance Review will take place

NOTE: Do the Transportation report during this period if possible as well as Facilities inspection to save on-site time for interviewing

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INDIVIDUAL CASE STUDY SELECTION FORM Appendix G

NOTE: select most recent cases; at least half should be evaluations.

| | | | | STUDENT NAMES | |
|---|---|---|---|---|---|
| NO. | SPECIFIC CASES | PROTO NO. | LEVEL | ORIGINAL OR RE-EVALUATION | ANNUAL REVIEWS |
| | BILINGUAL | | | | |
| | VOCATIONAL | | | | |
| | STATE OPERATED | | | | |
| | LIMITED MOBILITY | | | | |
| | APPEALS | | | | |
| | LOW-INCIDENCE | | | | |
| | COLLABORATIVE | | | | |
| | | | | | |

ANY PROTOTYPE AND/OR LEVELS NOT REPRESENTED ABOVE SHOULD BE SELECTED SE-

| | PROTOTYPE CASES | GRADE | LEVEL | ORIGINAL OR RE-EVALUATION | ANNUAL REVIEWS |
|---|---|---|---|---|---|
| | 502.8 a | PRE-SCHOOL | | | |
| | 502.8 b | | | | |
| | 502.8 c | | | | |
| | 502.1 | | ELEMENTARY | | |
| | 502.2 | | | | |
| | | | | | |
| | 502.3 | | | | |
| | | | | | |
| | 502.4 | | | | |
| | 502.5 | | | | |
| | 502.6 | | | | |
| | 502.7 | | | | |
| | 502.9 | | | | |
| | 502.4 (i) | | | | |
| | 502.1 | M/JHS H.S. | SECONDARY | | |
| | 502.2 | | | | |
| | | | | | |
| | 502.3 | | | | |
| | | | | | |
| | 502.4 | | | | |
| | 502.5 | | | | |
| | 502.6 | | | | |
| | 502.7 | | | | |
| | 502.9 | | | | |
| | 502.11(b) | | | | |
| | 502.4 (i) | | | | |
| | TOTAL CASES SELECTED | | | | |

SEPT. '79

APPENDIX B

Letter to Parents

Dear ______________________:

As you know, Massachusetts has a Special Education Law called Chapter 766. Since September 1974, this law has required that all children from three to twenty-one years old in need of special education services be given those services by their local school system.

The Massachusetts Department of Education must make sure that local school systems are following this law. We now have a process for evaluating the Chapter 766 program in local school systems. A team of people from the Massachusetts State Department of Education will be visiting your school system on ______________ to conduct this routine review. We will look at the special education programs and talk with the teachers and administrators.

An important part of the evaluation is looking at the records of some children receiving special education services. We have chosen, at random, a number of records, and your child's record was one of those chosen. We will be looking to see if your child's Chapter 766 evaluation was done correctly and whether he/she is actually receiving the required services. No one will see these records other than the Department of Education professional staff.

We would also like very much to talk with you prior to or during our visit to your school system. We will be calling you soon to ask about your experience with Chapter 766 and your child's program.

The future of many children in addition to yout own depends upon how well we can provide for their education today and your input can greatly help in that process. Thank you for your help.

Sincerely,

Chairperson
Compliance Review Team

9/79

CHAPTER 766/P.L. 94-142
PROGRAM AUDIT/COMPLIANCE REVIEW

QUESTIONNAIRE: PARENT

System: ____________________
School: ____________________
Parent's Name ____________________
Child's Name ____________________
Age ____________________

INSTRUCTIONS

The State Department of Education is required by Chapter 766, the Special Education Law, to monitor the implementation of that law in each school system. One way this is done is through the Chapter 766 Program Audit. This questionnaire is part of that audit process. Please complete it at your earliest convenience. Please be frank. YOUR REPLIES WILL BE KEPT CONFIDENTIAL. Your cooperation will help us to ensure that every child with special needs gets the education he/she deserves.

When you have completed the questionnaire, please return it in the enclosed envelope.

1. Are you satisfied with the following services which your child may have received during the past twelve months or is now receiving?

   A. Preschool/Kindergarten Screening ___ Yes ___ No ___ Does not apply as my child is older

      Comments:

   B. Team (core) Evaluation ___ Yes ___ No OR Annual review ___ Yes ___ No

      Comments:

   C. Special education programs and services ___ Yes ___ No

      Comments:

   D. School-home communication such as progress reports, phone calls, conferences, etc. ___ Yes ___ No

      Comments:

   E. Transportation ___ Yes ___ No

      Comments:

2. If you or your child experienced any problems in any of the above areas, did you bring this to the attention of school personnel? What was the result?

3. Discuss any other concerns you have concerning special education in your school system.

CHAPTER 766/P.L. 94-142
PROGRAM AUDIT/COMPLIANCE REVIEW

System____________________
School____________________
Parent's Name_____________
Interviewer_______________
Date______________________

PARENT INTERVIEW GUIDE

INTRODUCTION: When talking to parents, be sure to identify yourself as a parent from the beginning. ("I'm a parent of a special needs child, just like you.") Make it clear that you are not a Department of Education employee, and that they do not have to answer any question which makes them uncomfortable and what they tell you is strictly confidential. Try to make it easy for them to talk to you. Create a supportive atmosphere.

EXAMPLE: Ask about their child: his/her age; when did they first begin to realize that he/she had a special need; what is his/her special need; what type of program is he/she in. At the same time you may be sharing information about your own child and experiences. Do this only to put the parent at ease. Do not begin comparing school systems.

Make sure to tell them how important parents are to Chapter 766, and that is why you are working side by side with teachers, administrators, and State Department staff members to find out how well things are going for them and their children.

If the parent has any questions regarding interpretation of the law, please do not try to answer any of these questions. Ask someone from the Regional Office to answer the question, or take the parent's name and address so he/she may be contacted. If parent has an unresolved complaint with the school system, give them the name and number of the complaint person at their Regional Center.

QUESTIONS TO ASK: (If available at time of interview, review questionnaire that parent completed.)

1. What kind of contact did you have with the Evaluation Team Chairperson or other school people prior to the meeting at which the educational plan was developed?

2. Were the notices you received from school clear and easy to understand? (If the parent is non-English speaking, ask if notices were in his/her native language?)

3. Was the difference between an intermediate and a full evaluation explained to you? (Explain if necessary.)

4. Were you given a choice between a full and an intermediate evaluation?

5. Did your child receive a full or intermediate evaluation? (If intermediate, ask if the parent signed a consent form waiving a full evaluation.)

6. Were you informed of the ways in which your child would be evaluated? (e.g. medical, psychological, etc.)

7. Did the school system obtain your permission in writing before any evaluation was started?

8. Were you informed by your school system that you had the right to participate in the evaluation? How?

9. If your child was 14 or older at the time of his/her evaluation, was he/she informed at his/her right to attend the meeting?

10. How long did you have to wait for an evaluation meeting to be held after you gave your signed permission? If longer than 30 school working days, do you know the reason for delay?

11. Were you aware that you could bring a friend, doctor, or someone else who might be familiar with your child, to the meeting?

12. Did your child's evaluation team include teachers were knowledgeable in his/her particular needs: for example, a teacher of visually handicapped children if your child had a visual problem?

13. Were you given the opportunity to state your ideas and were your suggestions used in developing the educational plan? (For non-English speaking parents, find out if an interpreter was available.) Did your child have this opportunity (if 14 or older) if he/she attended?

14a. In general, are you satisfied with the program your child is receiving? If no, why not?

b. Were you aware that you had the right to reject or request a change in that program at any time?

c. Has any change been made in your child's program since the original plan? Did you give your signed permission?

15. Were you given an educational plan for your child? (Show them what the plan should look like.) How soon after team meeting did you receive the educational plan? (Review plan if parent has brought copy.)

16. Did you accept the educational plan?

17. Were you given a chance to meet with a member of the evaluation team to discuss any problems you had regarding the educational plan? i.e. special education administrator, Team chairperson, teacher, etc.

18. How soon after you signed the plan did your child's program begin?

19. Is your child receiving all the services called for in his/her educational plan? Have you ever been asked to pay for any of these services?

20. Were any special equipment or materials recommended by the Team? Were they actually provided?

21. Have you encountered any difficulties in working with the special needs staff regarding your child's program or progress?

22. If your child is in the regular classroom only part time, were any changes made in the regular program to respond to his/her special needs?

23. Has the school kept you well informed about your child's progress? How?

24. Have you received written quarterly progress reports, in addition to reports cards, indicating your child's progress in his/her special needs program?

25. Have you had any problems with transportation for your child?

26. If you are transporting your own child as part of the educational plan, are you being reimbursed 14¢ per mile?

27. If your child requires assistance getting in and out of home, vehicle, and school, is someone assigned to help him/her?

28. If your child's plan requires an attendant while being transported, is there an attendant assigned to the vehicle? e.g. If your child is prone to behavior that might distract the driver, has an attendant been assigned to the vehicle?

29. Is the time of the trip one way from home to school more than an hour?

30. If your child requires special transportation, does the school make arrangements so that, if your child wishes, he/she can participate in:

    A. after school programs?

    B. special school trips?

31. If your child has been in a special needs program for over one year, did you participate in a review or re-evaluation of his/her program at the end of the year? Was a new educational plan written at that time?

32. Were you satisfied with the results of your child's last review?

ONLY FOR PARENTS OF CHILDREN IN KINDERGARTEN THIS OR LAST YEAR:

33. Did your child participate in the preschool or kindergarten screening?

34. How were you informed of the results?

ONLY FOR PARENTS OF STUDENTS ATTENDING A VOCATIONAL/TECHNICAL SCHOOL:

35. Did you want your child placed in a vocational school program?

36. Did you have any say in which vocational program your child was placed? How was this determined?

37. Was there any type of joint meeting between your child's previous school and the staff of the vocational school?

---

38. Does your school (system) have a community advisory council or committee for special education? If yes, describe what they do. If no, would you be interested in such a group?

39. Has your school system offered you any opportunities to attend training sessions in special education and/or working with your child?

CONCLUSION

40. Is there anything else you would like to say?

TELL PARENT A REPORT OF TEAM FINDINGS WILL BE AVAILABLE FROM REGIONAL CENTER.

QUESTION 16: WHAT SORT OF CERTIFICATION DO HANDICAPPED CHILDREN RECEIVE UPON THE COMPLETION OF THEIR "SECONDARY" STUDIES: A REGULAR DIPLOMA? SPECIAL CERTIFICATE?

Within the Commonwealth of Massachusetts local school districts have considerable autonomy in establishing criteria for completion of secondary (high school) studies. At the present time local school districts are utilizing regular diplomas, special education diplomas and certificates of attendance for handicapped secondary school students. Massachusetts does not, nor does it plan to , link high school graduation with minimum competency testing.

QUESTION 17: HOW IS YOUR STATE ACTUALLY USING THEIR FEDERAL DOLLARS FOR THE EDUCATION OF THE HANDICAPPED?

Please see Massachusetts' Annual Program Plan

QUESTION 18: HOW DOES YOUR STATE ACTUALLY FINANCE THE LOCAL SCHOOL DISTRICT SPENDING FOR THE EDUCATION OF THE HANDICAPPED (i.e. via reimbursement, forward funding, letters of credit, etc.)?

Forward funding.

QUESTION 19: TO WHAT DEGREE IS YOUR STATE AND LOCAL SCHOOL DISTRICTS SPENDING THEIR 94-142 DOLLARS TO PURCHASE (1) "EDUCATIONAL SERVICES"? (2) "RELATED SERVICES"?

There is no clear definition of "services", they are intertwined.

QUESTION 20: IS YOUR STATE IEP REQUIREMENT DIFFERENT FROM THAT OF 94-142? DO THE REGULATIONS ON THE STATE AND FEDERAL LEVEL DIFFER?

Massachusetts' IEP requirements are considerably more detailed than those found in P.L. 94-142 Regulations. Chapter 766 Regulations require the evaluation team to specify in a student's IEP, his/her learning style and any measurable physical constraints. These are to be reflected in the Student Profile section of Massachusetts' standardized IEP format. As required in both federal and state regulations, the team then determines the student's current levels of performance and corresponding annual goals and short term objectives. Massachusetts requirements extend further and require that suggested teaching approaches, methods, and any specialized equipment necessary to help the student achieve the stated goals specified in the IEP. Likewise, statements stipulating the evaluation and monitoring techniques which will be utilized to assess the student'sprogress are also required by Chapter 766 Regulations.

QUESTION 20: cont.

Specifications regarding the special education and related services which are to be delivered are also more detailed in state regulations. Consistent with the federal regulations, Massachusetts' requirements call for the types of services to be provided, the date services will be initiated, and the duration of such services. Chapter 766 Regulations further require the identification of personnel who will provide the services, the location in which services will be provided a specification as to whether the service will be provided individually, in a small group or classroom setting in either a regular education or special education classroom, and the frequency with which each service will be provided.

Further each student's IEP must specify the number of days per year in which the service should be provided and a justification if it differs from that which is regularly provided. The student's transportation needs are also specified. A statement detailing the criteria for the student's movement to the next less restrictive program prototype is also included. Finally, federal regulations requiring annual review of a student's progress are also exceeded by state requirements for quarterly reviews and reporting to parents.

QUESTION 21: WHAT ROLE IS THE IEP REQUIREMENT PLAYING IN THE CONTRACT NEGOTIATIONS BETWEEN TEACHERS AND SCHOOL DISTRICTS? FOR EXAMPLE, ARE TEACHERS DEMANDING RELEASE TIME FOR THE PREPARATION OF THE IEP, ETC.?

The role which IEP requirements play in contract negotiations between teachers and school districts has diminished since the early years of Chapter 766 implementation. During this period, backlogs of students to be evaluated, resulted in many meetings being scheduled during teachers' prep and lunch periods as well as before and after school time blocks. These occurances resulted in the negotiation of contracts which provided for the purchase of teachers' time when 'free time' was being requested for participation in team meetings. The need to utilize such contractual provisions has decreased as backlogs have been eliminated. Scheduling problems do continue, however, to exist at the secondary level where one finds 8 to 10 teachers typically providing educational services to any one student.

QUESTION 22: IN GENERAL, HOW DO YOUR STATE LAWS AND REGULATIONS FOR THE EDUCATION OF THE HANDICAPPED DIFFER FROM THE FEDERAL REQUIREMENTS? WHAT ARE THE MAJOR AREAS OF STATE-FEDERAL CONFLICT?

QUESTION 22:

In general, the requirements of Public Law 94-142 are similar to Chapter 766 and the regulations promulgated for its implementation. This is the result of two primary factors:

1. Chapter 766 was enacted prior to P.L. 94-142 and served as a model special education statute during the development of the federal legislation.

2. Upon receipt of the final regulations for P.L. 94-142 we undertook a comprehensive revision of the regulation for Chapter 766 to insure that they meet federal requirements.

Not withstanding the above, there is one major area of concern regarding the interpretation of the federal requirements that was addressed in testimony I presented earlier. Congress should consider amending the law to allow administrative decisions to become final after review by the State Educational Agency.

Congress should consider amending the law to allow administrative decisions to become final after the State Education Agency (SEA) review. Currently, SEA administrative decisions in favor of parents are final and binding as of the date of issuance. SEA administrative decisions in favor of schools are not final and binding where the parent brings a civil action in state or federal court. We have found that appeals to the courts can drag on for from 2-3 years with potential for a youngster being inappropriately placed for that entire period. And in cases where the court later upholds the decision of the SEA, the parent may initiate a new appeal retaining a child in a placement held to be inappropriate three years prior. In Massachusetts it has usually been the case that parents have opted tokeep their children in more rather than less restrictive settings; thus contravening the spirit and original intent of the legislation.

We have also noticed that local school systems are becoming more hesitant in recommending expensive private school placements, fearing that such placement could become permanent, even though their own capacity to meet needs may change.

If the SEA appeal decision was final, as was the case with Chapter 766, the parent could either place the child in the program found appropriate, seek a stay of enforcement through the courts, or continue the child in the current placement at their own expense. A trade-off for the recommended change would be increased effort to provide parents with trained advocates who could support them in the appeal process and afterwards. The advocate is most crucial at the administrative hearing, as that is the record on which subsequent court decisions are based.

QUESTION 23: HOW MANY DUE PROCESS CASES HAS YOUR STATE AND LOCAL EDUCATIONAL AGENCIES HANDLED DURING THE LAST YEAR?

October 1977 to present

New Cases - 1826

Mediated - 393

Hearings - 407

Appealed - to State Advisory Committee 30 *
- to State Supreme Court 16 *

* 3 of the above appealed to both

Also please see enclosed statistical overview

QUESTION 24: WHAT FORM DO THE DUE PROCESS HEARINGS TAKE (i.e ARE YOUR STATE LAWS AND REGULATIONS DIFFERENT FROM THAT OF THE FEDERAL LAW)?

They are similar in most respects - we offer mediation as an option - there is no local level hearing - hearing officers are full time SEA employees - We are governed by C.30A, State Administrative Procedures Act, and thus have some more powers than on other states i.e/ subpoena power.

## STATISTICAL OVERVIEW

September, 1978 through August, 1979

| | SEPT. | OCT. | NOV. | DEC. | JAN. | FEB. | MARCH | APRIL | MAY | JUNE | JULY | AUG. | TOTALS |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| New Cases | 66 | 77 | 65 | 71 | 61 | 41 | 64 | 70 | 62 | 114 | 155 | 111 | 957 |
| Mediated/ Agreed | 27 | 50 | 24 | 28 | 24 | 28 | 21 | 22 | 22 | 43 | 21 | 25 | 335 |
| Withdrawn/ Postponed/ Other | 14 | 15 | 4 | 9 | 5 | 16 | 6 | 8 | 11 | 16 | 7 | 9 | 120 |
| Hearings Held | 26 | 22 | 25 | 16 | 18 | 13 | 16 | 17 | 16 | 22 | 8 | 14 | 213 |

Total number of cases and outcome since the implementation of Chapter 766 for the period, 1974 through August, 1979.

| | |
|---|---|
| Total Number of Appeals: | [illegible],091 |
| Cases Mediated/Agreed: | 1,311 |
| Withdrawn: | 398 |
| Hearings Held: | 836 |
| Cases Pending Independent Evaluation/Mediation/ Hearing: | 546 |
| TOTAL: | 3,091 |

Senator **Schweiker**. Next, we are going to go to our second panel, and I will ask all three witnesses to come simultaneously and then we will go into them individually.

Mr. Don McNeff, director, special education and pupil services, Capistrano Unified School District, San Juan Capistrano, Calif.; Mr. Jim Burks, superintendent, Gilcrest School District, Gilcrest, Colo.; Mrs. Dorothy Plue, president, Rutland School Board, Rutland, Vt.

We will begin with Mr. McNeff.

Go ahead.

## STATEMENTS OF DON McNEFF, DIRECTOR, SPECIAL EDUCATION AND PUPIL SERVICES, CAPISTRANO UNIFIED SCHOOL DISTRICT, SAN JUAN CAPISTRANO, CALIF.; JIM BURKS, SUPERINTENDENT, GILCREST SCHOOL DISTRICT, GILCREST COLO.; AND MRS. DOROTHY PLUE, PRESIDENT, RUTLAND SCHOOL BOARD, RUTLAND, VT.

Mr. **McNeff**. Thank you, Senator, for asking me to present testimony before the Senate Subcommittee on the Handicapped. A long ways from California, but it is worth it.

And I would like to say my name is Don McNeff, director of special education and pupil services for the San Juan Capistrano Unified School District. The district is 17,000 students—very high social economic area.

The average home costs around $110,000, so it is a nice little district by the beach

One thing as I listened to some of the previous speakers, maybe I am the only one out in the trenches, as the director of special education. Really it is the directors and coordinators of special education who need to make the law go.

At this time, I would like to give my prepared statement.

Legislation protecting and perpetuating the educational rights of the handicapped is viewed by responsible individuals as a positive force in the best American tradition. President Kennedy stated that "The key to the American way of life was our human concern for the least capable and the weakest members of our society."

The virtually unopposed passage of Public Law 94-142 in 1975 reaffirmed our unqualified belief in the rights of all citizens. The right to a free and appropriate education, based on the needs of the individual, was indelibly imprinted legally as well as morally on the American scene in general, and specifically on the public education system of our Nation.

The preceding statement pertaining to the philosophical, ethical, and moral concern for the rights and education of the handicapped individuals with exceptional needs is commendable.

But let us ask the question: By what manner and degree will those legal mandates under Public Law 94-142 be delivered?

Will Government deliver these services?

Will the multitude of private and public agencies throughout America take up the banner of handicapped rights and carry them forward to new heights?

Will private industry, oil companies, or businesses with corporate profits be drawn upon?

The answer is obvious: Of course not.

The American public school system will respond to the call. It is a logical choice, since this public agency touches the lives of all children. The delivery system is intact in all 50 States. Simply outlining the new responsibilities of the law with a predetermined date should precipitate a flow of new-found services to a long-deserving host of some 6 million eager clients and their families throughout America. Certain States may resist this Federal mandate but after a period of adjustment they too will realize the benefit to be gained for the less fortunate of our society.

State plans were quickly produced that defined State and local responsibility and submitted to Washington for approval. Based on these State plans, the Federal dollars were to flow making all of these required new services a reality. Parent advocacy groups sprang up profusely to make certain that their congressional victory was not a hollow one. State departments of education produced State review teams to check every minute school district action to ascertain the parents' rights under the law were being met.

The law requires documentation by local school authorities that search and serve efforts have been carried out to assure that all handicapped youngsters have been located and are receiving appropriate services. Documentation regarding due process, confidentiality, and the individual education plan, IEP, are key elements in the law.

A vast multitude of regulations are based on the premise that every handicapped child be given a free appropriate education. There perhaps was never a more noble or perfect concept.

There is, however, one vital flaw: The local school district in Davenport, Iowa, Charleston, W. Va., Scranton, Pa., and indeed in San Juan Capistrano, Calif., will have to produce all these wonderful things without the necessary resources to do so.

The American educational system has never in its long history been under more financial strain than at the present time. A general national concept that the era of limits is upon us has become reality.

The resources of the United States of America are in hard fact limited while oil and energy dominate the fabric of our lives. Our entire society is facing a crisis mentality based on lack of certain available resources to accomplish all of the wishes, needs, and desires of our people. Then, in this atmosphere of limited resources, comes Public Law 94-142. Its promise is golden; its boundaries essentially unlimited. The crucial promise which has been made to millions of Americans is that the financial burden falls where it can least likely be borne, at the local level of each city and town through their school systems.

The vast public information services and news media of this Nation have done little to explain the vast problems of implementing on a national level Public Law 94-142. Occasional mentions appear in news releases, or a rare article is printed on the concept of mainstreaming. There was a 10-minute spot on CBS' "60 Minutes". Almost without exception these programs or articles clearly spell out the responsibilities of the local school district. They tell also where, in Washington, D.C., to write, filing a complaint if your child fails to receive the stated services under the law.

The law assumes that parents are reasonable and will not take over the role of the professional; that all parents know exactly what is best for their child and will convey this in a responsible manner to the proper school authorities.

If agreement cannot be reached, the fair hearing process will take care of the occasional difference of opinion.

The right of the parent or school agency to a hearing is a noble idea. In actual practice, it has, at least in California, too often become a vehicle for professionally unwarranted service demands—the demand of parents well versed in the "142 philosophy" that there really are no limits to the services that must be provied at no cost to them for their child; for example, if three speech therapy sessions are thought to be sufficient by professional staff, then five certainly would be better. If my request for five is not met, I will demand a fair hearing. This type of interaction is significant in its frequency.

At this point, I will take the liberty to examine three areas that are specific to Public Law 94-142, or are covered by its umbrella systems of responsibilities and rights.

## I. UNLIMITED LAW/LIMITED FEDERAL SUPPORT

Tradition dictates that providing education to the masses is a locally controlled endeavor. In the case of Public Law 94-142, we are faced at the local level with a vast array of expensive, time-consuming requirements. The district must now find a way to produce a level of service determined by someone far removed from the local environment, while the provision of the standard special program and an increasing number of related services is provided locally.

The Federal Government pays little toward meeting the dictates of the law. As an example, during the first year of implementation, 1977-78, the Federal support level to California school districts was just $34 per identified handicapped child.

In 1978-79, it rose to $117, and is projected to be $160 for 1979-80.

While percentagewise this flow-through increase is commendable, this $160 figure must be compared to $2,500, the average cost of educating a special education child in California.

Obviously, the difference is made up at the expense of all schoolchildren in the State. Concern is building that handicapped programs are in fact creating a reverse discrimination concept in this country. The regular schoolchild does not enjoy the individual benefits of the individual education plan process, including a multitude of related services provided by a host of professionals at public expense. It is obvious that the normal child is being short-changed in the present system.

## 1. PRIVATE PLACEMENT

School districts are required to provide not only the educational program but such services as counseling, medical assessment, and room and board for students that they cannot serve locally due to the severe nature of their handicap The majority can be served in local day school private programs. Occasionally, private residential

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placement must be sought. The cost of these programs in California is between $20,000 and $40,000 per year.

### 2. RELATED SERVICES

The list of related services is long and expensive; counseling, tutoring, assessments, transportation, et cetera. The list is limited only by the district's willingness to draw the line, by refusal, and the fair hearing process. As an example, counseling is a much sought-after service. What child would not benefit from counseling? The cost is $50 per hourly session.

### 3. PERSONNEL

The special education staff in all school districts is limited by local priorities and dollars available for special services. Since the implementing of Public Law 94-142, the service level of staff has increased by 50 percent. Yet, due to lack of dollars, staffs have increased by only 10 percent. The Federal and State Governments assume that the district has the staff to deliver the required service level. The districts do not have that staff capability.

### 4. FACILITIES

The State and Federal Government has continually failed to recognize the need to provide proper facilities for special classes. Local taxpayers continue to vote down bond elections that would produce adequate housing.

### 5. INSERVICE

Resources are extremely limited in provision of inservice for regular teachers in particular. The prevailing view that regular teachers will willingly accept handicapped children in their classes is totally unrealistic. Mainstreaming will be resisted by general education.

### 6. FAIR HEARINGS

The fair hearing process continues the seemingly unending philosophy that all citizens should enjoy due process, regardless of the topic or the cost. The panel approach in California is expensive and time consuming. Districts in the State are using Public Law 94-142 funds to defray these costs. This money should be spent on children, not legal exercises that seemingly benefit only the legal profession.

### 7. STAFF TRAINING

The flow of additional paperwork and the multitude of new procedures require much training of staff. Funding is unavailable for this activity.

### 8. TRANSPORTATION

Virtually all special students qualify for transportation Funding is inadequate with special problems, such as severe physical or emotional considerations nearly impossible to solve. For example, if behavior is unacceptable on the bus, the child is not transportable.

A private taxi must fulfill the obligation at $50 per day in Southern California.

### II. INDIVIDUAL EDUCATION PLAN (IEP)

One, the IEP concept is an excellent vehicle to document and deliver services to the individual child. In actual practice, the face-to-face conference with its restrictive requirement of total staff commitment is a nightmare of time consuming paperwork and endless discussion. The Capistrano Unified School District has 1,042 children in special education. This figure requires over 2,000 parent conferences involving the writing of the plan in the fall and the review in the spring. The professional staff is overwhelmed by this requirement of the law.

Two, parent involvement: The total weight of guaranteeing parent participation in plan development falls on the school district. Each step must be documented. Each telephone call recorded. The question must be asked: " What is the parents' responsibility?"

Three, related services. Too often, parents feel that there are no limits in this critical area of the IEP. If in the view of the professional a service is not necessary, why should the prolonged expensive fair hearing be the only avenue to resist unwarranted parent demands?

Four, ancillary staff: School districts do not have the resources to maintain staffs of psychologists, speech pathologists, and nurses to meet the dictates of Public Law 94-142. The law, as stated, seemingly has no boundaries in regard to demands on staff. The psychologist is particularly hard hit. The total assessment of a child from the signing of the permission to assess until actual placement in program requires an average of 15 hours.

IEP conferences last from 1 to 3 hours, and occasionally much longer. The school assessment team, SAT, composed of the principal, psychologist, speech pathologist, and special teacher, must meet on each individual child. The financial folly of this process should be obvious.

Collective bargaining by education staffs has added a new dimension to the above-time commitment. Everything is seemingly done at the convenience of the parent. Union contracts are not compatible with parents' rights. Teachers and staff cannot be legally forced to work beyond contract hours. Parents are generally not available during normal working hours. The solution to this problem remains unanswered.

Senator **Schweiker**. I wonder if I may interrupt?

We are running behind and, in addition, we have a 12 o'clock vote on the Senate floor. We had allocated 15 minutes per witness, and we wonder if you could summarize a bit more because other witnesses—will not have time to speak.

Mr. **McNeff**. Thank you, Senator

### SUMMARY AND CONCLUSIONS

The Capistrano Unified School District recently approved the placement of two severely emotionally disturbed teenagers in an out-of-State residential facility. The cost is $24,000 per year for each student. It is difficult to accept that the Congress of the

United States had school districts in mind when this requirement of the law was initiated. It is in no way defensible to give this burden alone to the schools. Surely, the schools require assistance in such a task.

The above is an example of the problems faced by schools throughout this Nation. A multitude of far-reaching mandates have been written into regulation that we cannot possibly dispatch under present financial restraints. Public Law 94-142, as stated, places impossible burdens on school districts everywhere.

With carefully selected and thoughtful, realistic changes in the law, the public schools can become viable agents of education for the Nation's handicapped population. As presently constituted, the law is creating a large measure of frustration and hopelessness among the Nation's public school professionals.

The law's concept and philosophy is in the best tradition of the American ideal. Let us make certain these ideals are nurtured and realized for the welfare of the entire Nation.

Thank you.

[The prepared statement and response to Senator Randolph and Senator Williams' questions by Mr. McNeff along with a statement of Mrs. Bonos follow:]

CAPISTRANO UNIFIED SCHOOL DISTRICT
San Juan Capistrano, California

September 14, 1979

TO: Senator Jennings Randolph
Chairman, Senate Sub-Committee for Handicapped

FROM: Don McNeff
Director, Special Education & Pupil Services

SUBJECT: WRITTEN TESTIMONY - P.L. 94-142

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Opening Statement:
Legislation protecting and perpetuating the educational rights of the handicapped is viewed by responsible individuals as a positive force in the best American tradition. President Kennedy stated that "The key to the American way of life was our human concern for the least capable and the weakest members of our society."

The virtually unopposed passage of P.L. 94-142 in 1975 reaffirmed our unqualified belief in the rights of all citizens. The right to a free and appropriate education, based on the needs of the individual, was indelibly imprinted legally as well as morally on the American scene in general, and specifically on the public education system of our nation.

The preceding statement pertaining to the philosophical, ethical and moral concern for the rights and education of handicapped individuals with exceptional needs is commendable. But let us ask the question, by what manner and degree will those legal mandates under P.L. 94-142 be delivered? Will government deliver these services? Will the multitude of private and public agencies throughout America take up the banner of handicapped rights and carry them forward to new heights? Will private industry, oil companies, or businesses with corporate profits be drawn upon? The answer is obvious: Of course not. The American public school system will respond to the call. It is a logical choice since this public agency touches the lives of all children. The delivery system is in tact in all fifty states. Simply outlining the new responsibilities of the law with a predetermined date should precipitate a flow of new found services to a long deserving host of some six million eager clients and their families throughout America. Certain states may resist this federal mandate but after a period of adjustment they too will realize the benefit to be gained for the less fortunate of our society.

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The law requires documentation by local school authorities that Search and Serve efforts have been carried out to assure that all handicapped youngsters have been located and are receiving appropriate services. Documentation regarding Due Process Confidentiality, and the Individual Education Plan (IEP) are key elements in the law. A vast multitude of regulations are based on the premise that every handicapped child be given a free appropriate education. There perhaps was never a more noble or perfect concept. There is, however, one vital flaw: The local school district in Davenport, Iowa, Charleston, West Virginia, Scranton, Pennsylvania, and indeed in San Juan Capistrano, California, will have to produce all these wonderful things without the necessary resources to do so.

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The law assumes that parents are reasonable and will not take over the role of the professional, that all parents know exactly what is best for their child and will convey this in a responsible manner to the proper school authorities. If agreement cannot be reached, the Fair Hearing Process will take care of the occasional difference of opinion. The right of the parent or school agency to a hearing is a noble idea. In actual practice it has, at least in California, too often become a vehicle for professionally unwarranted service demands - the demands of parents well versed in the "142 philosophy" that there really are no limits to the services that must be provided at no cost to them for their child; i.e., if three speech therapy sessions are thought to be sufficient by professional staff, then five certainly would be better. If my request for five is not met, I will demand a Fair Hearing. This type of interaction is significant in its frequency.

At this point, I will take the liberty to examine three areas that are specific to P.L. 94-142, or are covered by its umbrella systems of responsibilities and rights.

I. Unlimited Law/Limited Federal Support

Tradition dictates that providing education to the masses is a locally controlled endeavor. In the case of P.L. 94-142, we are faced at the local level with a vast array of expensive, time consuming requirements. The district must now find a way to produce a level of service determined by someone far removed from the local environment, while the provision of the standard special program and an increasing number of related services is provided locally.

The Federal Government pays little toward meeting the dictates of the law. As an example, during the first year of implementation, 77/78, the federal support level to California school districts was just $34.00 per identified handicapped child. In 78/79 it rose to $117 and is projected to be $160 for 79/80. While percentage-wise this flow-through increase is commendable, this $160 figure must be compared to $2500, the average cost of educating a special education child in California. Obviously, the difference is made up at the expense of all school children in the state. Concern is building that handicapped programs are in fact creating a reverse discrimination concept in this country. The regular school child does not enjoy the individual benefits of the Individual Education Plan process including a multitude of related services provided by a host of professionals at public expense. It is obvious that the normal child is being short-changed in the present system.

The following list reflects financial support from state and local resources yet is required specifically or generally by P.L. 94-142. There is little or no federal support for:

1. Private Placements

   School districts are required to provide not only the educational program but such services as counseling, medical assessment, and room and board for students that they cannot serve locally due to the severe nature of their handicap. The majority can be served in local day school private programs. Occasionally private residential placement must be sought. The cost of these programs is between $20,000 and $40,000 per year.

2. Related Services

   The list of related services is long and expensive; counseling, tutoring, assessments, transportation, etc. The list is limited only by the district's willingness to draw the line, by refusal, and the Fair Hearing process. As an example, counseling is a much sought after service. What child would not benefit from counseling. The cost is $30 to $50 per hourly session.

3. Personnel

   The special education staff in all school districts is limited by local priorities and dollars available for special services. Since the implementing of 142, the service level of staff has increased by 50%. Yet due to lack of dollars, staffs have increased by only 10%. The federal and state governments assume that the district has the staff to deliver the required service level. The districts do not have that staff capability.

4. Facilities

   The state and federal government has continually failed to recognize the need to provide proper facilities for special classes. Local taxpayers continue to vote down bond elections that would produce adequate housing.

5. Inservice

   Resources are extremely limited in provision of inservice for regular teachers in particular. The prevailing view that regular teachers will willingly accept handicapped children in their classes is totally unrealistic. Mainstreaming will be resisted by general education.

6. Fair Hearings

The Fair Hearing process continues the seemingly unending philosophy that all citizens should enjoy due process regardless of the topic or the cost. The panel approach in California is expensive and time consuming. Districts in the state are using P.L. 94-142 funds to defray these costs. This money should be spent on children, not legal exercises that seemingly benefit only the legal profession.

7. Staff Training

The flow of additional paperwork and the multitude of new procedures require much training of staff. Funding is unavailable for this activity.

8. Transportation

Virtually all special students qualify for transportation. Funding is inadequate with special problems, such as severe physical or emotional considerations nearly impossible to solve. For example, if behavior is unacceptable on the bus, the child is not transportable. A private taxi must fulfill the obligation at $50 per day.

II. Individual Education Plan (IEP)

1. The IEP concept is an excellent vehicle to document and deliver services to the individual child. In actual practice, the face to face conference with its restrictive requirement of total staff commitment is a nightmare of time consuming paperwork and endless discussion. The Capistrano Unified School District has 1042 children in special education. This figure requires over 2000 parent conferences involving the writing of the plan in the fall and the review in the spring. The professional staff is overwhelmed by this requirement of the law.

2. Parent Involvement

The total weight of guaranteeing parent participation in plan development falls on the school district. Each step must be documented. Each telephone call recorded. The question must be asked "What is the parents' responsibility?"

3. Related Services

Too often parents feel that there are no limits in this critical area of the IEP. If in the view of the professional, a service is not necessary, why should the prolonged expensive Fair Hearing be the only avenue to resist unwarranted parent demand.

4. Ancillary Staff

School districts do not have the resources to maintain staffs of psychologists, speech pathologists, and nurses to meet the dictates of P.L. 94-142. The law, as stated, seemingly has no boundaries in regard to demands on staff. The psychologist is particularly hard hit. The total assessment of a child from the signing of the permission to assess until actual placement in program requires an average of 15 hours. IEP conferences last from one to three hours, and occasionally much longer. The School Assessment Team (SAT), composed of the principal, psychologist, speech pathologist, and special teacher, must meet on each individual child. The financial folly of this process is obvious.

Collective Bargaining by education staffs has added a new dimension to the above time commitment. Everything is seemingly done at the convenience of the parent. Union contracts are not compatible with parents' rights. Teachers and staff cannot be legally forced to work beyond contract hours. Parents are generally not available during normal working hours. The solution to this problem remains unanswered.

## III. Non-Public School/Private Placement

It is doubtful that Congress, in 1975, realized the magnitude of demand for non-public school placements. It is a recognized fact that a significant number of children's needs cannot be met by the public school where behavior is so bizarre that "acting out" children are a danger to themselves and to others. These severely emotionally disturbed youngsters must be placed in private day school programs or, in extreme circumstances, in residential facilities. The cost of such placement will be from $5000 to $12,000 in day school to an average of $25,000 in residential. The public agency must bear the entire cost regardless of the parents ability to share the cost. We protest most vigorously the cost of room and board paid by a school district. In California these costs are shared 30% by the local district and 70% by the state.

Many people in California feel that private education is a superior alternative to public education. P.L. 94-142 has given this segment of parents a perfect vehicle to press their demands for smaller class size and more individual attention. These are viewed as strengths of the private educational domain. The private schools are selling their product as never before. The reality of public subsidizing is very attractive to these proliferating schools. The recent requirement that the public school must provide assessments and services to private school children goes beyond the bounds of reason. If parents choose private school, then let the private and parochial school provide the needed services. Again, why should the entire burden fall on the public school?

Appropriate schools for emotionally disturbed youth are very few and always expensive. Out of state placements are common. It would seem reasonable that other private and public agencies would be required to share the financial burden of serving these disturbed children. Since the advent of 142, they no longer feel a duty or legal requirement to do so. Only the public school is mandated to perform the task.

### Cooperating Agencies

There does exist a full range of agencies such as Mental Health, Regional Centers, Social Welfare, and the Juvenile Justice system. While State Departments of Education have negotiated inter-agency agreements to share the burden, these are generally worthless documents. These depend on the "good faith" concept and ultimately the full responsibility falls again on the only mandated agency, the public school.

## Summary and Conclusions

The Capistrano Unified School District recently approved the placement of two severely emotionally disturbed teenagers in an out of state residential facility. The cost is $24,000 per year for each boy. It is difficult to accept that the Congress of the United States had school districts in mind when this requirement of the law was initiated. It is in no way defensible to give this burden alone to the schools. These boys are suicidal and homicidal. Surely the schools require assistance in such a task.

The above is an example of the problems faced by schools throughout this nation. A multitude of far reaching mandates have been written into regulation that we cannot possibly dispatch under present financial restraints. P.L. 94-142, as stated, places impossible burdens on school districts everywhere.

With carefully selected and thoughtful, realistic changes in the law, the public schools can become viable agents of education for the nation's handicapped population. As presently constituted, the law is creating a large measure of frustration and hopelessness among the nation's public school professionals.

The law's concept and philosophy is in the best tradition of the American ideal. Let us make certain these ideals are nurtured and realized for the welfare of the entire nation.

[illegible]

DON MCNEFF - QUESTIONS

OCT 22 1979

1. WHAT ASSISTANCE OR GUIDANCE DOES YOUR DISTRICT RECEIVE FROM THE STATE EDUCATION AGENCY WITH REFERENCE TO INSERVICE TRAINING OF REGULAR EDUCATION TEACHERS?
2. WITH REFERENCE TO SEVERELY HANDICAPPED CHILDREN WHO NEED A 24 HOUR A DAY RESIDENTIAL PROGRAM, IS YOUR DISTRICT SHARING THE NON-EDUCATIONAL COSTS WITH ANY OTHER AGENCIES?
3. PRIOR TO THE ENACTMENT OF PUBLIC LAW 94-142, DID OTHER AGENCIES SHARE NON-EDUCATIONAL COSTS WITH YOUR SCHOOL DISTRICT FOR HANDICAPPED CHILDREN WHO NEEDED A 24 HOUR A DAY RESIDENTIAL PROGRAM?
4. OF THE 1042 CHILDREN IN YOUR DISTRICT IDENTIFIED AS HANDICAPPED PURSUANT TO PUBLIC LAW 94-142, HOW MANY ARE BEING SERVED IN PRIVATE RESIDENTIAL PLACEMENTS? PRIVATE SCHOOL DAY PROGRAMS?
5. PLEASE DESCRIBE THE CHILD FIND ACTIVITIES UNDERTAKEN BY YOUR DISTRICT PURSUANT TO PUBLIC LAW 94-142?

LOCAL ADMINISTRATORS - FUNDING

1. WHAT EFFECT DO YOU FEEL THE "PROPOSITION 13 MOVEMENT" HAS HAD ON THE SPECIAL EDUCATION SERVICES AND RELATED SERVICES AVAILABLE TO HANDICAPPED CHILDREN?
2. WHAT PROPORTION OF YOUR TOTAL SPECIAL EDUCATION BUDGET IS CURRENTLY USED TO PAY PRIVATE PLACEMENT COSTS? ARE OTHER AGENCIES SHARING THESE COSTS? IF SO, TO WHAT DEGREE ARE THESE AGENCIES SHARING COSTS?
3. WHAT PROPORTION OF YOUR SPECIAL EDUCATION EXCESS COSTS ARE PROVIDED FROM LOCAL, STATE AND FEDERAL SOURCES?
4. WHAT WAS YOUR AVERAGE EDUCATION EXPENDITURE FOR HANDICAPPED CHILDREN FOR THE 1977-78 SCHOOL YEAR COMPARED WITH THE AVERAGE EXPENDITURE IN THE 1973-74 SCHOOL YEAR?
5. ARE YOU SATISFIED WITH THE TIMELINESS OF YOUR GRANT AWARD UNDER PUBLIC LAW 94-142?

LOCAL ADMINISTRATORS - IEP

1. IS EACH INDIVIDUALIZED EDUCATION PROGRAM DEVELOPED FOR A HANDICAPPED CHILD UNIQUE, OR IS THERE A "MASTER" IEP FORM WHICH TEACHERS, PRINCIPALS AND OTHER PARTICIPANTS ARE ENCOURAGED TO USE?
2. ARE THERE ANY PATTERNS IN DISAGREEMENTS BETWEEN PARENTS AND EDUCATORS IN THE DEVELOPMENT AND IMPLEMENTATION OF IEP'S?
3. HAVE YOU ENCOUNTERED ANY DEMAND FOR IEP'S FOR NONHANDICAPPED STUDENTS IN YOUR DISTRICT?

LOCAL ADMINISTRATORS - SECONDARY SCHOOL

1. A 1979 REPORT BY THE DHEW INSPECTOR GENERAL FOUND IN SCHOOL DISTRICTS SURVEYED THAT ..."SPECIAL EDUCATION PROGRAMS WERE WEAK AT THE JUNIOR HIGH AND HIGH SCHOOL LEVELS." IN YOUR JUDGMENT, HOW DOES THIS FINDING RELATE TO THE SECONDARY CURRICULUM IN YOUR DISTRICT? WHAT TYPES OF VOCATIONAL EDUCATION PROGRAMS DO YOU HAVE TO ENABLE NON-COLLEGE BOUND HANDICAPPED STUDENTS TO BECOME EMPLOYABLE MEMBERS OF THE LABOR FORCE?
2. WHAT ASSISTANCE DOES YOUR DISTRICT RECEIVE FROM THE VOCATIONAL REHABILITATION AGENCY TO FACILITATE A SMOOTH TRANSACTION FOR YOUNG HANDICAPPED ADULTS FROM HIGH SCHOOL TO EMPLOYMENT OR ADDITIONAL TRAINING?

LOCAL ADMINISTRATORS - DUE PROCESS

1. ARE THERE ANY PATTERNS IN DUE PROCESS COMPLAINTS IN YOUR DISTRICT?
2. HOW MANY DUE PROCESS COMPLAINTS HAVE BEEN FILED IN YOUR DISTRICT SINCE PUBLIC LAW 94-142 BECAME EFFECTIVE? HOW MANY HEARINGS HAVE BEEN HELD? HOW MANY DECISIONS WERE APPEALED? WHAT WAS THE DISPOSITION OF THE HEARING OFFICERS?

CAPISTRANO UNIFIED SCHOOL DISTRICT
San Juan Capistrano, California

October 15, 1979

TO: Senator Jennings Randolph
Chairman, Senate Sub-Committee for Handicapped

FROM: Don McNeff
Director, Special Education & Pupil Services

SUBJECT: TESTIMONY QUESTIONS - OCTOBER 3, 1979

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DON McNEFF - ANSWERS

1. The State Department of Education of California has set up a comprehensive inservice program that meets needs that range far beyond the training of the regular class teacher. Every aspect of training need relevant to "142" is being accommodated. For example, Capistrano Unified School District and two neighboring districts have designed, with state officials assigned to the task, a series of inservices on a near monthly basis from October through May. P.L.94-142 funds support this effort.

   Inservice is a definite strength area by the State Education Agency in California.

2. This is a particularly difficult area. The financial burden of such placement falls entirely on the education agency. The reason for this is that education is the only agency mandated by law to provide the full range of necessary services. Other state agencies, particularly since the advent of '142', have consistently refused to share non educational costs. These agencies still enjoy the option of refusal; school agencies do not have that option. Occasionally, private insurance of the parent will pick up certain costs. This whole area is inconsistent in nature.

3. Yes--Other agencies were never enthusiastic in sharing costs; however, for the most part an obligation to share responsibility was felt. Since the advent of P.L.94-142, other agencies no longer feel this responsibility due to the all encompassing nature of the law.

4. Two in residential placement and seventeen in private school day programs.

5. The State Education Agency offered a good deal of support in the child find activity. The Capistrano Unified School District felt quite confident that we were aware of all children in the district that needed attention. The relative rural nature of the District contributed to our ability to ensure awareness of all children. The state provided coordination and materials in the form of posters and brochures. Having the capability to consistently serve those children identified is the larger problem.

LOCAL ADMINISTRATORS - FUNDING

1. The financial effect of Proposition 13 on special education in California has been negligible in terms of actual dollars. Each year funding has increased by approximately 6% for special education support from the state level. The side effect has been that due to the '13' mentality, it is extremely difficult for Boards of Education and top administration to be forced by the reality of reduced funds to see special education not receiving those same even handed cut-backs. Special education in California has been, and continues to be, treated with a good deal of favoritism.

2. Less than 5% - the district share is 30% of the private school cost. The state provides funding at a 70% rate.

3. Due to the funding pattern in California, that is a difficult question. Excess costs are a combination of local, state, and federal. Districts that operate cooperative programs with other districts, bill back to the district of residence for excess costs. In this case we have no accurate way of knowing from what source they draw their funds.

4. The average for 1977-78 would be in the vicinity of $2,000 to $2,500. The 1973-74 school year would average only a few hundred dollars less. While certain programs cost considerably more, the vast majority of students receive support services only which reduces average costs.

5. No--Due to the extreme lateness of the actual grant it is necessary to hold back money from the previous year. For example, from July 1 until December 1978, we received zero P.L.94-142 money for fiscal year 1978-79. Districts were told by the State that due to parental complaints to Washington that needed to be investigated, that all P.L. funds were being held up to California. This is a classic example of bureaucratic mismanagement.

LOCAL ADMINISTRATORS - IEP

1. With more than 1000 IEP's to be developed and reviewed each year, it is absolutely necessary to use a standardized form. Obviously, these forms do allow for a range of individual development. They are standard forms developed to meet the need, but they allow maximum flexibility as to content based on meeting the child's individual requirement. The basic problem is the required staff time to meet and develop the IEP.

2. Yes--The basic disagreement pattern evolves around the related services area. Understandably, parents feel the need to press for these services while professionals adopt a more objective view of need. The entire process requires difficult negotiation. Of increasing concern is that required professional involvement has meant that staff has had to adjust to odd hours; and teacher organizations are taking a dim view of required teacher demand of time. Both NEA and CTA have considered policy relative to this issue. To my knowledge, no firm stand has been developed. It will be of increasing concern both locally and nationally.

3. No--We have had parent contact expressing concern that the regular student is being short-changed by what they consider unwarranted attention to the needs of the handicapped. It is my view that while not presently organized, there is a movement by individuals presently to question what they consider to be discriminating laws giving one segment of society advantage over others.

LOCAL ADMINISTRATORS - SECONDARY SCHOOL

1. I would tend to agree with the DHEW report. There are many factors involved which tend to diminish program quality at the 7-12 level. For example:
   a. Peer pressure to conform to the standards of the group.
   b. Not wanted to be labeled as different in any way.
   c. Parents' desire that child be mainstreamed to the maximum extent possible.
   d. A lack of trained capable teachers at the secondary level.
   e. An emphasis by most districts to concentrate efforts at the elementary level where change seems most possible.

This list represents some of the reasons for lack of quality at the secondary level. These reasons apply within the CUSD.

Vocational programs are discussed frequently as a definite need area, but are seldom initiated. Job training and opportunity are extremely difficult for all students, and particularly so for the handicapped. Federal and state agencies must produce a viable approach to the problem. Frequently state and federal laws conspire to shut out employment for the handicapped. Questions of health, safety, and liability often create problems. Another major area of concern is labor union problems which are well known for their discriminatory policies.

2. To my knowledge interaction with Vocational Rehabilitation is nearly non existent within our area. Again, other state agencies are not committed to meeting the needs of the handicapped, since they are not under mandation to do so.

LOCAL ADMINISTRATORS - DUE PROCESS

1. Yes--The most frequent demand is for non-public school placement in preference to a district program. Many parents, particularly in Orange County, California, prefer a private education to a public one. There is a popular myth among parents that P.L.94-142 gives them that option. Related to this point is that they have the option of the best available program, public or private. Again, this is incorrect. The right is to have their child's needs met adequately. The determination as to what is adequate is a value judgment seldom agreed upon by staff and parent. The built-in adversarial nature of this interaction prompts many Fair Hearings, often over relatively minor issues.

   A related issue is that of the Complaint procedure which is filed with the state. This is as simple as writing a letter charging anything you so desire. The district has 45 days to answer to these unsubstantiated charges. The State Education Agency serves as the investigating body. In most cases, the issue involves an issue such as an IEP indicating a service level, which for a variety of reasons may not be being met. The district is out of compliance due to the major issue of inadequate staff levels due to insufficient funding to meet the all encompassing dictates of the law.

2. Five--Two have gone to Fair Hearing and three are pending. The District appealed to the State both of the Fair Hearing Panel decisions. Both were for private residential placement. The decision of the State Appeal is still pending.

OCT 9 - 1979

Lynn Bonas
33302 Bremerton
Dana Point, Calif.
92629

October 2, 1979

Received
Date 10-4-
[illegible]

Senator Jennings Randolph
Chairman
Subcommittee on the Handicapped
Room 4230 Dirksen Senate Office Building
Washington, D. C. 20510

Senator Randolph:

Ms. Betty Griffin, by telephone, has advised me that I can request that the following statement be included in the testimony before your subcommittee of October 3, 1979:

As a parent of a handicapped child in the Capistrano Unified School District, I have many questions about written testimony submitted to your subcommittee by Mr. Don McNeff, Director of Special Education and Pupil Services for our district.

At the October 1, 1979, meeting of the Board of Trustees, I conveyed my concern over this testimony to the Trustees and feel that it is important that these concerns are put to your committee.

On page 2, paragraph 3 of Mr. McNeff's written testimony on PL-94-142, parents are characterized as unreasonable, demanding, non-professionals with little regard for professional opinions. Under the law, parents must have professional evaluations and back up for any requests. And, as the testimony states, parents well versed in the "142 philosophy" would not be as characterized, nor are we, in general. It is the responsibility of the school district to educate parents in the law, not vice versa. If the parents were knowledgable, fewer problems would exist in the area of "professionally unwarranted service demands".

On page 3, testimony states that normal children are being short-changed in the present system in order to accomodate services to the handicapped. I have requested back-up information on this from the school district, and have been told that the information is not finished and can be released in "about two or three weeks". How can this be informed testimony without the proper facts and figures for reference?

...cont'd.

On Page 4, Fair Hearings "The Fair Hearing process continues the seemingly unending philosophy that all citizens should enjoy due process regardless of the topic or the cost." Doesn't the Constitution of the United States guarantee due process to all citizens? Should handicapped children be denied this simply because it is expensive and time consuming? Should school districts be denied Fair Hearings for those reasons?

Regarding pages 4 and 5 on the IEP, the question raised under Parent Involvement asks, "What is the Parents responsibility?" Parents like myself would like to be and are very much involved in the planning of our children's education. However, most parents of handicapped youngsters in our school district have very little knowledge of the importance of the IEP and the law in general. In May, 1979, we had our very first inservice for parents on PL 94-142, at my request. I am hoping that we will be able to have more informed parents in the future through more inservices during the current school year -- at no cost to either parents or school district.

Conducting IEP meetings at the convenience of the parents is a sure way of involving parents and is a very important and necessary part of the law.

On pages 5 and 6 of Summary and Conclusions, testimony reveals confidential information from two fair hearings in our district. I am enclosing a copy of an article from the Daily Sun Post, September 28, 1979. I am appalled that this information would be made public, since the statement, "These boys are suicidal and homicidal.', must have come from psychological evaluations. I would not like to see any confidential information from my child's records in the evening newspaper since the law does cover confidentiality of school records. You may not know the names of the two teenage boys involved in the fair hearings, but I do. Their names are a matter of public record, and anyone living in this close-knit community has access to their names.

As far as the testimony regarding the cost of placement for these children is concerned, I called the Department of Education in Orange County and received information that the tuition for Provo School is in the area of $19,000.00 per student. The State pays 70%, the District 30%. Of the 30%, the district receives basic ADA plus special education funds, bringing the cost to the district down to about $3,000.00 to $4,000.00. That's a far cry from $24,000 or $25,000, depending on which page of testimony is read.

...cont'd.

Page Three
Senator Jennings Randolph
Subcommittee on the Handicapped

October 2, 1979

I know very well the feelings of frustration and hopelessness that Mr. McNeff speaks of in his closing statements. This feeling comes from dealing with district administrators who oppose the very law that supports their positions and offers civil rights that have been denied handicapped children in the past. Frustration also comes from reading about the hearings in the daily newspaper finally, after spending three weeks trying to find out about the hearings, where they are being held, why, and with whom. Frustration in not being asked by the administration for parent input is obvious -- we have a great deal to say about the laws and the implementation and monitoring of the system.

I would hope that if there are to be changes in the law, that those changes would be geared to financially support the law so that it will remain as a means of ensuring handicapped children their civil rights.

Respectfully yours,

Lynn Bonas

Lynn Bonas

enclosures

cc: Board of Trustees,
Capistrano Unified School District

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United States Senate
COMMITTEE ON LABOR AND
HUMAN RESOURCES
WASHINGTON, D.C. 20510

-3 12 01

November 20, 1979

Capistrano Unified School District
32972 Calle Perfecto
San Juan Capistrano, California 92675

Dear Friends:

As the original sponsor of the Education for All Handicapped Children Act (Public Law 94-142), I am most delighted that Senator Randolph, Chairman of the Subcommittee on the Handicapped of the Labor and Human Resources Committee, has scheduled oversight hearings. It is through such hearings that we can best determine the effectiveness of this law. The recommendations that are received are carefully reviewed, and I am most grateful for them.

I am enclosing several questions that address issues of particular interest or concern, and I would appreciate having your views on these issues. Please address your response to me at 4230 Dirksen Senate Office Building, Washington, D. C. 20510, and I will see that Senator Randolph receives a copy for the record.

Thank you for your time and input as we endeavor to make this an effective and meaningful law for our Nation's handicapped children.

With best wishes,

Sincerely,

Harrison A. Williams Jr.

Harrison A. Williams, Jr.
Chairman

HAW:jzk
Enclosure

COMMITTEE ON
HUMAN RESOURCES
1980 JAN -3 PM 4:44

CAPISTRANO UNIFIED SCHOOL DISTRICT
San Juan Capistrano, California

December 27, 1979

TO: Harrison A. Williams, Jr., Chairman
Subcommittee on the Handicapped
Labor and Human Resources Committee

FROM: Don McNeff, Director
Special Education & Pupil Services

SUBJECT: Questions for Local Education Agencies

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1. (a) Approximately 70% for (1) educational services and 30% for (2) related services.

   (b) 60% for elementary, 40% for secondary.

2. (a) It appears that the State sees their role as that of a "watchdog" over LEA's. Theoretically, they should be available for technical assistance. However, in actual practice, districts feel keenly aware that the State people do not understand problems at the local level. Compliance with the law is their big bullet; yet, in many cases they are the problem and not the solution.

   (b) Adopt a cooperative attitude.

3. In 1975 we received no money from the federal government for special education at the local level. Presently the federal income is about 7% of the total special education District budget.

4. The LEA has not imposed additional requirements; the SEA has imposed so many that they are too numerous to list. Where State law is more restrictive it takes precedence over federal, due to the fact that State law is much more specific in nature than P.L. 94-142.

5. Yes, in most cases.

6. Very little presently. However, this will likely become a major issue in the future.

7. (a) We have found that staff recommendations mean very little when the parent has a set mind as to the appropriateness of a certain program. The law places the parent in the role of the professional. Since the parent has the only veto power, least restrictive environment is not a meaningful concept.

   (b) General education is not ready for "mainstreaming". The regular teacher is committed to removal of problem learners. Some mainstreaming takes place, of course, with selected teachers.

Questions for Local Education Agencies -- Page 2

8. (a) Two were completed, with two more presently in process.

   (b) Both were residential, out-of-state placements (Provo Canyon, Utah).

   (c) Both cases were lost by the LEA.

9. (a) Referral and assessment, primarily.

   (b) Teachers, administrators, psychologists, speech pathologists, nurses.

   (c) All generally accepted standardized testing materials.

10. (a) Perhaps 100 to 150 at any given time.

    (b) Requests for more staff to process and place. Efforts to look for other alternatives within the school to meet children's needs without special education.

    (c) More trained staff, which translates into more funding from all sources.

11. (a) Yes.

    (b) Psychology -- lack of staff.

    (c) No -- very limited presently.

12. (a) 25 (b) 50 (c) none (d) 2,200

    (b) 30 - 1.

13. Program is limited by time and interest of general education.

14. 40%, '75-'76; 50%, '79-'80.

15. (a) No.

    (b) No significant change anticipated.

16. (a) Limited in nature and scope.

    (b) Special education in this District, and in nearly all others, is dealing with the world of work essentially as in regular school -- hardly at all.

    (c) No -- other agencies, since the advent of P.L. 94-142, are adopting the position that the full responsibility now falls upon the school system. Since the law is written the way it is, all educational and social responsibility now belongs to the LEA.

    (d) Other agencies have no mandation requirement.

17. Regular diploma -- anything else is illegal in California.

18. Cooperative programs with the County School Department and other districts help alleviate this problem. However, our support staff within the District is not presently able to meet all the demands placed upon them.

19. (a) California requires the extended year program, approximately 200 days, for all substantially handicapped.

(b) Substantially handicapped -- this includes nearly all children with the exception of the Learning Handicapped.

(c) We do presently.

(d) Again, all but Learning Handicapped.

20. No -- physicians are the least useful of all professionals. They are self styled experts in all areas including education. The exception would be in the area of Physically Handicapped.

DM/bs

## Questions for LEA's

1. What amount of your Public Law 94-142 dollars are going to purchase (1) "educational services"? (2) "related services"?

   What percentage of your handicapped budget (federal, local, and state combined) goes to elementary schools and what percentage goes to the secondary schools?

2. What types of technical assistance have you received from the state?

   What additional assistance would you like in the future?

3. What was the ratio between the federal and state funding to your local education agency in 1975 and what is the present ratio?

4. Has your local education agency imposed additional requirements concerning the IEP (individualized education plan) process beyond those specifically required by Public Law 94-142?

   What are those requirements?

   Has the state education department imposed additional requirements to the IEP process other than those specifically mandated by Public Law 94-142?

   What are those requirements?

5. Are regular teachers involved in the development of the IEP?

6. What role is the IEP requirement playing in the contract negotiations between the teachers' union and school districts?

   For example, are teachers demanding release time for the preparation of the IEP, etc.?

7. What are the options and approaches utilized by your local education agency in implementing the "least restrictive environment" provision mandated by Public Law 94-142?

   To what extent do you use one of the options, "mainstreaming"?

8. How many due process proceedings did your LEA handle last school year?

   What were the issues involved?

   What were the dispositions of the complaints?

9. How do you determine that a child needs special education services?

   What professionals within the school system are usually involved in this determination?

   What types of test are most frequently used?

10. Do you have a backlog of evaluations?

   What efforts are being made to alleviate this?

   What additional assistance do you require?

11. Is there an adequate supply of licensed special education personnel?

   In what areas of handicapped expertise is your LEA deficient?

   Are you providing in-service training to regular teachers who will have handicapped children in their classes?

12. What is the maximum caseload at any one time for a resource room teacher? a speech pathologist? a social worker? a psychologist?

   What is the pupil teacher ratio in regular classes?

13. Does your inservice training provide relevant courses for principals and administrators who need information on all aspects of Public Law 94-142?

14. What percent of your 1975-1976 budget was spent on mildly handicapped (learning disabled, mildly retarded, etc.) and what percent are you presently spending?

15. In your opinion are your programs for the handicapped student in the secondary schools adequately serving their needs?

   What additions or changes do you anticipate in the next school year?

16. Are programs in vocational education being provided to the handicapped students in the secondary schools?

   How are you otherwise preparing handicapped students for the world of work?

   Has there been a cooperative effort with other agencies to facilitate the handicapped students transition into the labor market?

What have been the barriers?

17. What type of certification do handicapped children receive upon completion of their "secondary" studies?

What problems, restricitons, or other limitations are associated with special certificates in your area?

18. Is there a lack of personnel, related services, or comprehensive programming for low-incidence handicapping conditions?

19. Are you providing a year-round education for those handicapped children whose conditions warrant such services?

What handicapping contitions necessitate year round educational services?

Is your LEA planning to offer year round services to children with specific handicapping conditions in the future?

Are you at present making provisions to provide a year round education for those handicapped children for whom it has been determined there exists the need for continuous educational services?

20. Should physicians be included in the annual review?

If so, for what types of handicapping conditions?

Senator **Schweiker**. Thank you.

And in deference to Senator Stafford, who is the ranking Republican on this committee, we will ask Mrs. Plue to speak.

Senator **Stafford**. I would like to welcome Mrs. Dorothy Plue from Rutland, also my hometown.

Mrs. Plue has the distinction, you might say, of wearing four different hats. She is the mother of a 17-year-old handicapped son; she is the president of the Rutland School Board; she is on the Governor's advisory council for vocational education; and she is the president of the Vermont School Board Association.

I am very proud as a fellow Rutlander to welcome you here. We look forward to your testimony.

Mrs. **Plue**. Thank you very much, Senator Stafford and Senator Schweiker.

I am Dorothy Plue, mother of a son who has a specific learning disability and who is being served under Public Law 94-142. I have also been a member of the Rutland, Vt., School Board for 7 years and president of the board for 3 of those years.

I would like to take this opportunity to express to you my thanks and support for Public Law 94-142. The Federal regulations restore dignity to parents by providing them with an opportunity to participate as equal partners with the educational system in determining their handicapped child's needs and services.

For many parents, assuming this role is difficult because they have been made to feel inadequate and unknowledgeable by the professional systems. I urge that parent participation be retrained in Public Law 94-142 and if any changes are to be made, it should be strengthened.

The two areas of the law that most concern me in my dual role as parent and school board member are those of identifying handicapped children and their placement in the least restrictive environments.

I can best illustrate my concern about identification by touching briefly on the experience my husband and I have had with our son, Tim, and his very late identification, which came about only because of our personal concern and insistence.

Tim is now 17 years old. He was in our local public schools up to last June, which was his junior year in high school. All through elementary school, he was an average student and he did have some problems; but as the youngest of three children, I didn't feel they were insurmountable.

Evidently his teachers didn't either, because ready or not, he was passed from grade to grade.

Upon his entry into an overcrowded junior high school, his serious learning problems and great frustrations became more prominent. He had a deep interest in music that kept him active in extracurricular activities and kept his school interest going.

Even though his grades dropped, he was not a discipline problem; so again, he was moved from grade to grade, even though Tim and I both knew he was not doing well. When I went to school to inquire about his progress, I was given all the excuses I have since learned parents of specific learning disabled children hear all over the country. Some of those excuses are: "He is immature, lazy, spoiled, emotionally disturbed." "He'd do better if he'd only try" and "Don't worry; he'll outgrow it."

I have always believed in working within the system so I entrusted my son's education to the professional educators. However, last year at this time, I had reason to believe Tim was trying extra hard, meeting much frustration and not succeeding.

After much soul searching, I decided to work within another system called Public Law 94-142. By early February, testing was complete and it was clear that the reason Tim couldn't do 11th grade work was that he had a specific learning disability which had gone unrecognized and had caused diminishing functioning. He was working at the fifth grade math level and seventh grade reading and spelling levels in spite of the intellectual ability to work at grade level.

If Tim's story was unique, I would not be here today, but it is believed that 8 to 10 percent of the population have SLD, and there are, even today, entirely too few who are being picked up.

Few parents are equipped to recognize the signals of a possible handicapping condition, particularly an invisible condition like SLD.

Children with learning disabilities look like other children. They do not have physical disabilities that would call your attention to them. It is essential that training be provided for parents and teachers because most parents and many teachers have neither the expertise to identify the child's handicap nor the knowledge of rights and responsibilities under the law. Without advocates in Vermont, little would have changed for the SLD population.

The law requires identification and classification of handicapped conditions and I support this. Without classification you have guesswork at best.

Vermont, in its noncategorical approach, does not require that children be classified by categories to receive service. A noncategorical approach promotes assumptions and permits damage to children as well as being costly in terms of time, effort, and money.

Handicapped children need to be classified so that they may be served by a professional with expertise in that area. If you have a broken ankle, you would not spend the time, effort, and money going to an eye doctor, although he has his M.D. So, too, with these children.

In Vermont, the stress is on identifying children as handicapped when they have a 50 percent or less achievement level. Does a senior in high school need to wait until his achievement is 50 percent deficit or at a sixth grade level in order to be considered handicapped and thus receive services? I think not.

Without the required evaluation and classification, how accurate is the reporting to Washington? In noncategorical Vermont, 27 percent of the handicapped population are reported by the State to HEW to be seriously emotionally disturbed—SED. On June 8, 1979, at the annual meeting of the Vermont Psychological Association, it was made public that the association considers many of those seriously emotionally disturbed reported to be misclassified and misserved SLD's.

Other questions that arise are:

How accurately are training needs being assessed and training funds being used?

Why is special education with its voracious appetite gobbling up the responsibilities of general education?

Why have we established two empires competing for the same shrinking dollar?

Education is big business. It owes accountability to its investors. It is about time that colleges and universities assumed their statutory responsibility to adequately train teachers.

One of my greatest concerns as a school board member is the lack of knowledgeable training for regular classroom teachers to appropriately service handicapped children.

Vermont does not have teacher training programs that lead to certification of learning disability specialists, so how can our SLD children be identified or servied appropriately?

Children are placed into existing commercial programs rather than designing instructional programs to meet the child's unique needs.

Can you put a square peg in a round hole?

Vermont, as a noncategorical State, provided noncategorical programs for my child. He has the intelligence to be educated to a higher level instead of the sixth grade level of competency which the State department of education feels is adequate for Vermont's handicapped child. I ask you, are handicapped children to be second-class citizens?

My second concern about implementing Public Law 94-142 is placing children in the least restrictive environment.

Continuing with the experience of our son, Tim, I am pleased to report he has been diagnosed, classified, and is receiving special education instruction for his specific handicapped condition at a private school for SLD children in Massachusetts. He is happier than he has ever been and is progressing by leaps and bounds.

Most children do not have mothers who have been able to be informed of their children's rights under the law as I have. Their children are being placed in institutions most convenient for the schools with precious little concern for the individual child.

One of our greatest needs is to correct the public and educational understanding of least restrictive environment. It is not mainstreaming every child. It is a series of options outlined in Public Law 94-142 based upon a child's needs.

If a child needs more services than a school can adequately provide, the child should be served in special educational facilities, not in public schools. The needs must be properly documented and the options made available.

The "least restrictive" phrase was possibly included in the law to prevent large city school districts from segregating certain groups of the school populations as a convenience. It is, however, being misused and children are being placed in inappropriate programs. I submit the phrase, "least restrictive environment" should be either well defined or another phrase substituted such as, "unique needs of the child must be met."

Thank you for the invitation to express my concerns about the implementation of Public Law 94-142. I would like to leave you with the words one mother approached me with: "Please help. My child is drowning in the mainstream."

Senator **Stafford**. Thank you very much, Mrs. Plue.

We do have some questions, but in view of our time constraints, I think we will submit them to you in writing and ask that you reply at your convenience.

Mrs. **Plue**. I would be glad to do that.

[The prepared statement of Mrs. Plue and responses to Senator Randolph's questions follow:]

# STATEMENT
of
DOROTHY P. PLUE
PARENT AND SCHOOL BOARD PRESIDENT
RUTLAND, VERMONT
OCTOBER 3, 1979
on
# IMPLEMENTATION OF PUBLIC LAW 94-142

BEFORE
THE
UNITED STATES SENATE
SUBCOMMITTEE ON THE HANDICAPPED
CHAIRMAN
SENATOR JENNINGS RANDOLPH

Mr. Chairman and Members of the Subcommittee:

I am Dorothy Plue, mother of a son who has a specific learning disability and who is being served under P. L. 94-142. I have also been a member of the Rutland, Vermont School Board for 7 years and President of the Board for 3 of those years.

I would like to take this opportunity to express to you my thanks and support for P. L. 94-142. The federal regulations restore dignity to parents by providing them with an opportunity to participate as ~~as~~ equal partners with the educational system in determining their handicapped child's needs and services. For many parents, assuming this role is difficult because they have been made to feel inadequate and unknowledgeable by the professional systems. I urge that parent participation be retained in P. L. 94-142 and if any changes are to be made, it should be STRENGTHENED.

The two areas of the law that most concern me in my dual role as parent and school board member are those of identifying handicapped children and their placement in the least restrictive environments.

I can best illustrate my concerns about identification by touching briefly on the experience my husband and I have had with our son, Tim, and his very late identification which came about only because of our personal concern and insistence.

Tim is now 17 years old. He was in our local public schools up to last June, which was his junior year in high school. All through elementary school he was an average student and he did have some problems; but as the youngest of three children, I didn't feel they were insurmountable. Evidently his teachers didn't either because ready or not, he was passed from grade to grade. Upon his entry into an overcrowded junior high school, his serious learning problems and great frustrations became more prominent. He had a deep interest in music that kept him active in extracurricular activities and kept his school interest going. Even though his grades dropped, he was not a discipline problem; so again, he was moved from grade to grade even though Tim and I both knew he was not doing well. When I went to school to inquire about his progress, I was given all the excuses I have since learned parents of specific learning disabled children hear all over the country. Some of those excuses are:

> "he is immature, lazy, spoiled, emotionally disturbed"
> "he'd do better if he'd only try" and
> "don't worry, he'll outgrow it".

I have always believed in working within the system so I entrusted my son's education to the professional educators. However, last year at this time I had reason to believe Tim was trying extra hard, meeting much frustration and not succeeding. After much soul searching, I decided to work within another system called Public Law 94-142. By early February testing was complete and it was clear that the reason Tim couldn't do eleventh grade work was that he had a specific learning disability which had gone unrecognized and had caused diminished functioning. He was working at the fifth grade math level and seventh grade reading and spelling levels in spite of the intellectual ability to work at grade level.

If Tim's story were unique I would not be here today, but it is believed 8% to 10% of the population have SLD, and there are, even today, entirely too few who are being picked up. Few parents are equipped to recognize the signals of a possible handicapping condition, particularly an invisible condition like SLD. Children with learning disabilities look like other children. They do not have physical disabilities that would call your attention to them. It is essential that training be provided for parents and teachers because most parents and many teachers have neither the expertise to identify the child's handicap nor the knowledge of rights and responsibilities under the law. Without advocates in Vermont, little would have changed for the SLD population.

The law requires identification and classification of handicapping conditions and I support this. Without classification you have guesswork at best. Vermont, in its non-categorical approach, does not require that children be classified by categories to receive service. A non-categorical approach promotes assumptions and permits damage to children as well as being costly in terms of time, effort and money. Handicapped children need to be classified so that they may be served by a professional with expertise in that area. ~~If~~ If you had a broken ankle, you would not spend the time, effort and money going to an eye doctor although he has his M. D. So, too, with these children.

In Vermont, the stress is on identifying children as handicapped when they have a 50% or less achievement level. Does a senior in high school need to wait until his achievement is 50% deficit or at a 6th grade level in order to be considered handicap and thus receive services. I think not!

Without the required evaluation and classification, how accurate is the reporting to Washington? In non-categorical Vermont, 27% of the handicapped population are reported by the State to HEW to be seriously emotionally disturbed (S.E.D.). On June 8, 1979 at the annual meeting of the Vermont Psychological Association, it was made public that the Association considers many of those seriously emotionally disturbed reported to be misclassified and mis-served S. L. D.'s.

Other questions that arise are:

> How accurately are training needs being assessed and training funds being used?
>
> Why is Special Education with its voracious appetite gobbling up the responsibilities of General Education?
>
> Why have we established two empires competing for the same shrinking dollar?

Education is Big Business. It owes accountability to its investors. It is about time that colleges and universities assumed their statutory responsibility to adequately train teachers. One of my greatest concerns as a school board member is the lack of knowledgeable training for regular classroom teachers to appropriately service handicapped children. Vermont does not have teacher training programs that lead to certification of Learning Disability Specialists, so how can our SLD children be identified or serviced appropriately? Children are placed into existing commercial programs rather than designing instructional programs to meet a child's unique needs. Can you put a square peg in a round hole?

Vermont, as a non-categorical state, provided non-categorical programs for my child. He has the intelligence to be educated to a higher level instead of the sixth grade level of competency which the state department of education feels is adequate for Vermont's handicapped child. I ask you, are handicapped children to be second-class citizens?

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Most children do not have mothers who have been able to be informed of their children's rights under P. L. 94-142 as I have. Their children are being placed in situations most convenient for the schools with precious litte concern for the individual child. One of our greatest needs is to correct the public and educational understanding of least restrictive environment. It IS NOT mainstreaming every child. It IS a series of options outlined in P. L. 94-142 based upon a child's needs. If a child needs more services than a school can adequately provide, the child should be served in special educational facilities, not in public schools. The needs must be properly documented and the options made available.

The "least restrictive" phrase was possibly included in the law to prevent large city school districts from segregating certain groups of the school populations as a convenience. It has, however, been misused and children are being placed in inappropriate programs. I submit the phrase "least restrictive environment" should be either well defined or another phrase substituted such as "unique needs of the child must be met."

Thank you for the invitation to express my concerns about the implementation of Public Law 94-142. I'd like to leave you with the words one mother approached me with....."Please help, my child is drowning in the mainstream."

RUTLAND PUBLIC SCHOOLS

ADMINISTRATIVE OFFICES. BOX 834
802—773-9185 RUTLAND, VERMONT 05701

THOMAS G. CHESLEY
SUPERINTENDENT
JOSEPH C. FLORA
ASSISTANT SUPERINTENDENT

October 16, 1979

Mr. Jennings Randolph
Chairman
Subcommittee on the Handicapped
United States Senate
Committee on Labor and Human Resources
Washington, D.C. 20510

Dear Mr. Randolph:

Mrs. Dorothy Plue, who testified before your committee, has requested that we address questions which you submitted to her at the hearing on October 3, 1979. We appreciate the opportunity to comment on our experience with PL 94-142.

Funding

1. It is difficult to assess the impact of the "Proposition 13 Movement" in Rutland on special education services. We do sense some resentment in the community because regular education programs and services have been reduced because of budget problems, while special education programs have expanded. Competition between various school programs for limited resources is likely to increase as the recent influx of federal and state dollars for special education services begins to level off.

2. Questions 2-4 should be addressed to the State Department of Education. It is not possible to estimate the total costs of our special education programs on the basis of local information alone.

5. It would be advantageous to have notice of 94-142 funds in the spring, in order that planning for new programs and services can coincide with the development of regular school budget.

IEP

1. We do have a standard IEP form. However, the content of each student's program is unique.

2. We have experienced few disagreements between parents and educators in our district. Some differences of opinion have developed because of lack of clarity or definition of various education terms and concepts. Examples are "specific learning disability", "appropriate education" and "multi-disciplinary assessment".

page 2
J. Flora to J. Randolph
October 16, 1979

3. We have not encountered any specific demand for IEP's for nonhandicapped students, although there has been considerable discussion regarding the desirability of an IEP for Title I students and even all students.

Secondary School

1. There is no doubt that our secondary special education programs developed at a much slower rate than at the elementary levels. This year, for the first time, we have strong secondary programs in place. We have a very successful vocational program which serves students who are mentally handicapped and economically disadvantaged. These programs provide academic, laboratory and work experience opportunities.

2. There needs to be greater effort by both school systems and other agencies, such as mental health organizations and vocational rehabilitation agencies, to provide a better transition from high school to the world of work. Relationships between our system and these agencies have been cooperative, but not systematic enough.

Due Process

1. We have had very few due process complaints from parents, although it has been a very difficult task to implement the complex requirements of the law in this area.

2. One complaint has been has been received to date and a hearing may result in this case.

Sincerely,

Joseph C. Flora
Assistant Superintendent

JCF/bab
cc: Mrs. Plue

Senator **Schweiker**. All right.

We will go right ahead, then, with Mr. Jim Burks, superintendent, Gilcrest School District.

Mr. Burks?

Mr. **Burks**. Thank you.

Senator **Schweiker**. I should say, Senator Armstrong has a conflict and had hoped to be here to introduce you, but I want to make clear he thinks very highly of you and apologizes for his absence.

Mr. **Burks**. Thank you very much.

I am Jim Burks, superintendent of Gilcrest School District, Gilcrest, Colo.

I request that my detailed statement and exhibits be entered.

Senator **Schweiker**. Yes; all the detailed statements would be included, and we would appreciate your summary.

Mr. **Burks**. Thank you.

I would preface my remarks with the observation that Public Law 94-142 in Colorado and in our area of the State is considered to be excellent legislation. Since our State and local resources face many demands, the financial boost of $9 million is helpful in a State that spends $90 million annually for handicapped education.

In 1978-79—this probably makes my testimony a bit unique—our school district chose not to apply for Public Law 94-142 funds because we were already meeting the needs of our handicapped children with State and local resources. We were concerned about losing local control of education by conceding an appeal process that called for the use of a hearing officer, and for a final appeal process to be made at the State rather than the local level.

We were also concerned about the goal statement and the obvious intent to begin serving children in the zero to 5-year-old age range. We felt that this expansion of district responsibility would result in a reduction in services to our other students.

We have since reconsidered our position and elected to participate in Public Law 94-142 during the 1979-80 school year.

During the 1978-79 school year, the legal center for handicapped citizens received a complaint from the guardian of a special education child in our district. They proceeded to insist that a hearing officer be engaged to judge the case, quoting Public Law 94-142 regulations, even though we were not participants under the act.

The legal center also filed discrimination charges with the Office of Civil Rights, quoting both Public Law 94-142 and section 504 of the Rehabilitation Act. We adjusted programs and conceded to them the right to have a hearing officer, even though our policies did not recognize the need for one.

The single issue cost the school district $1,300 in legal and other fees, and resulted in the loss of approximately 350 man-hours of professional staff involvement.

This proved to be a senseless waste of resources, as the legal center canceled the hearing on the day it was scheduled to be held. The time and money spent on this case resulted in special educators missing time from their classrooms and in funds being diverted from other special education children.

At no time during the entire incident did the legal center specifically state why they objected to the program we were providing for the child. It was necessary for us to draw conclusions from insinuations and guesswork. Their apparent motive was to force us to comply with Public Law 94-142 regulations, although we were not involved with the law. Our involvement with this case pointed out several problems:

First, district RE-1 was attempting to offer this child services in the least restrictive environment, by mainstreaming her in classrooms as much as possible, while the legal center was apparently requesting more of all tutorial, isolated time services. Time factors will always be a matter of judgment, and we should not receive such legal involvement and harassment from other public agencies when those judgments differ.

The legal center or other support agencies must use discretion when they demand more and more services. There is a point when more is not better. I would expand this point to include an objection to a growing interpretation that handicapped children must be served 12 months a year. Won't children of all ability levels demand the same services and same program? How can we deal with such a problem, especially if we are responsible for ages 0 to 21?

Second, Federal support agencies must work with local educational agencies as we implement Public Law 94-142. During our case with the legal center, our professional staffing committee found it difficult to remain objective and not to yield to external pressures. Committees should not be pressured from within or outside their school district, to the point that they cannot objectively keep the best interests of the child foremost in their minds.

Third, as we search for rules interpretations and guidance from Federal agencies, local school districts find the situation to be confusing and somewhat disorganized. We recognize the need for investigation into the rules and regulations of all handicapped education legislation, in order to establish some continuity and consistency. Support agencies must not be allowed to make up their own rules as they go along, without close coordination with other agencies.

Finally, Federal officials must accept and honor the integrity of local boards of education. The general public feels very strongly that their schools belong to the local citizens. Any Federal rules that erode local control should be evaluated carefully and possibly discarded.

It is a legal and constitutional reality that local boards of education have a primary responsibility for the education of their children, whether handicapped or normal. It is wrong to force local boards to use hearing officers or to deny them the right to make final decisions in special education staffings.

Thank you for the opportunity to appear before you today, and I commend the Senate for scheduling these oversight hearings in their effort to make our laws function at the local level.

Senator **Schweiker**. All right.

I want to thank all members of the panel for their testimony. We certainly appreciate your appearance here this morning. We will be submitting questions in writing to you.

Thank you very much for being here.

[The prepared statement of Mr. Burks and responses to Senator Randolph's and Senator Williams' questions follow:]

WELD COUNTY
REORGANIZED SCHOOL DISTRICT RE-1
LA SALLE · GILCREST · PLATTEVILLE
GILCREST, COLORADO 80623

SEP 14 1979

Received
Date [illegible] 14 [illegible]
Subcommittee on
The Handicapped

September 10, 1979

Senator Jennings Randolph, Chairman
Subcommittee on the Handicapped
Committee on Labor and Human Resources
United States Senate
Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Randolph,

It is with a great deal of pleasure that I submit to you and your subcommittee my prepared statement concerning Public Law 94-142. It is an honor and a privelege to appear before you.

As a local school administrator I have often observed that legislation needs to be examined after it becomes law and is implemented by the citizenry. I compliment the Senate for conducting oversight hearings, and welcome the opportunity to participate in one.

I realize the value of your committee time, and am submitting two documents for your consideration. First, my prepared statement, with exhibits, is offered for the record. Second, my brief statement summary is intended to be read at the hearing.

Thank you again for this rare opportunity.

Sincerely,

James W. Burks

James W. Burks
Superintendent
Weld County School District RE-1

sw NOTE: 50 Copies being mailed under separate cover.

# ORAL TESTIMONY

TO

UNITED STATES SENATE

COMMITTEE ON LABOR AND HUMAN RELATIONS

SUBCOMMITTEE ON THE HANDICAPPED

SENATOR JENNINGS RANDOLPH, CHAIRMAN

SUBMITTED FOR THE SUBCOMMITTEE RECORD

BY

JAMES W. BURKS

SCHOOL DISTRICT SUPERINTENDENT

WELD COUNTY SCHOOL DISTRICT RE-1

GILCREST-LASALLE-PLATTEVILLE,

COLORADO

OCTOBER 3, 1979

## STATEMENT SUMMARY

(To be read as testimony)

Mr. Chairman, I would respectfully request that my detailed statement and exhibits be entered as part of your records, and that you consider these brief oral remarks to be a summary of that statement.

I would preface my remarks with the observation that PL 94-142 in Colorado and in our area of the state is considered to be excellent legislation. Since our state and local resources face many demands, the financial boost of $9,000,000 is helpful in a state that spends $90,000,000 annually for handicapped education.

In 1978-79, our school district chose not to apply for PL 94-142 funds because we were already meeting the needs of our handicapped children with state and local resources. We were concerned about losing local control of education by conceding an appeal process that called for the use of a hearing officer, and for a final appeal decision to be made at the state rather than the local level.

We were also concerned about the goal statement and the obvious intent to begin serving children in the 0-5 year old age range. We felt that this expansion of district responsibility would result in a reduction in services to our other students.

We have since reconsidered our position and elected to participate in PL 94-142 during the 1979-80 school year.

During the 1978-79 school year, the Legal Center for Handicapped Citizens received a complaint from the guardian of a special education child in our district. They proceeded to insist that a hearing officer be engaged to judge the case, quoting PL 94-142 regulations, even though we were not participants under the act.

The Legal Center also filed discrimination charges with the Office of Civil Rights, quoting both PL 94-142 and Section 504 of the Rehabilitation Act. We adjusted programs and conceded to them the right to have a hearing officer, even though our policies did not recognize the need for one.

The issue cost the school district $1300 in legal and other fees, and resulted in the loss of approximately 350 man hours of professional staff involvement. This proved to be a senseless waste of resources, as the Legal Center cancelled the hearing on the day it was scheduled to be held. The time and money spent on this case resulted in special educators missing time from their classrooms and in funds being diverted from other special education children.

At no time during the entire incident did the Legal Center specifically state why they objected to the program we were providing for the child. It was necessary for us to draw conclusions from insinuation and guesswork. Their apparent motive was to force us to comply with 94-142 regulations, even though we were not involved with the law. Our involvement with this case pointed out several problems:

1. District RE-1 was attempting to offer this child services in the least restrictive environment, by mainstreaming her in classrooms as much as possible, while the Legal Center was apparently requesting more of all tutorial, isolated time services. Time factors will always be a matter of judgement, and we should not receive such legal involvement and harassment from other public agencies when our judgements differ.

The Legal Center or other support agencies must use discretion when they demand more and more services. There is a point when more is not better. I would expand this point to include an objection to a growing interpretation that handicapped children must be served twelve months a year. Won't children of all ability levels demand the same program? How can we deal with such a problem, especially if we are responsible for ages 0-21?

2. Federal support agencies must work with local educational agencies as we implement PL 94-142. During our case with the Legal Center, our professional staffing committee found it difficult to remain objective and not to yield to external pressures. Committees should not be pressured from within or outside their school district, to the point that they cannot objectively keep the best interest of the child foremost in their minds.

3. As we search for rules interpretations and guidance from federal agencies, local school districts find the situation to be confusing and somewhat disorganized. We recognize the need for an investigation into the rules and regulations of all handicapped education legislation, in order to establish some continuity and consistency. Support agencies must not be allowed to make up their own rules as they go along, without close coordination with other agencies.

4. Finally, federal officials must accept and honor the integrity of local boards of education. The general public feels very strongly that their schools belong to the local citizens. Any federal rules that erode local control should be evaluated carefully and possibly discarded. It is a legal and constitutional reality that local boards of education have a primary responsibility for the education of their children whether handicapped or normal. It is wrong to force local boards to use hearing officers or to deny them the right to make final decisions in special education staffings.

Thank you for the opportunity to appear before you today, and I commend the Senate for scheduling these oversight hearings in their effort to make our laws functional at the local level.

I would be happy to try to answer any questions you may have.

Respectfully Submitted,

James W. Burks
School District Superintendent
Weld County School District RE-1
Gilcrest, LaSalle, Platteville,
Colorado

# PREPARED STATEMENT

TO

UNITED STATES SENATE

COMMITTEE ON LABOR AND HUMAN RELATIONS

SUBCOMMITTEE ON THE HANDICAPPED

SENATOR JENNINGS RANDOLPH, CHAIRMAN

SUBMITTED FOR THE SUBCOMMITTEE RECORD

BY

JAMES W. BURKS

SCHOOL DISTRICT SUPERINTENDENT

WELD COUNTY SCHOOL DISTRICT RE-1

GILCREST-LASALLE-PLATTEVILLE,

COLORADO

OCTOBER 3, 1979

Weld County School District RE-1 is a rural school system located 50 miles north of Denver, serving the three agricultural communities of Gilcrest, La Salle and Platteville, Colorado. The 1800 students in grades K-12 are distrubuted over an 180 square mile area.

School District RE-1 is one of seven area school districts comprising a Board of Cooperative Educational Services (BOCES) in Weld County. By pooling resources through a BOCES, local school districts are able to furnish all special education services necessary to meet the needs within each individual system.

Before the Education of All Handicapped Children Act of 1975 (PL 94-142) became law, the State of Colorado was already effectively serving the needs of handicapped children through the Colorado Handicapped Children Education Act of 1973. The Colorado law addresses essentially the same concerns as PL 94-142.

At the present time, the State of Colorado is spending some $81,000,000 of state and local money to serve handicapped children. Federal funds in the amount of $9,000,000 have been a welcome addition to our financial efforts. PL 94-142 is recognized in our area as good legislation with the potential to help local school districts meet the unique needs of handicapped children.

When the Colorado state plan for the implementation of PL 94-142 was being considered for adoption, school district RE-1 was concerned about:

1. The appeal process calling for a hearing officer, with final appeal process being moved from the local to the state level.
2. The proposed goal of the state plan to eventually serve students in the 0 to 5 year old range.

District RE-1 studied these concerns very carefully and determined that the needs of local handicapped children were being met with state and local resources, without funding from PL 94-142. While it was agreed that not all school districts were fortunate enough to have the financial resources to exercise this option, it was clearly within our ability to do so, and our share of the $25,000 PL 94-142 money designated for our BOCES, was not worth the concession of our concerns.

Let us examine these concerns more closely. First, the people of Colorado in general, and the residents of Weld County School District RE-1 in particular are very dedicated to the concept of local control of education. We support the constitutionally protected right of the local citizens to run for, be elected to, and serve on local boards of education. We respect their judgement as being representative of the local citizens and as serving the best interests of the children involved. Local boards of education constitute a grass roots level of involvement similar to town governments and other agencies most directly responsible for the administration of services to their friends and neighbors, and are subject to the ultimate accountability tool, the election and re-election process.

When District RE-1 found that the federal Bureau of the Handicapped insisted on an appeal process involving a hearing officer, with final decisions terminating at the state level, it was agreed that, given the option, they would not give up that part of their local control. It was considered to be an insult to the integrity of local school board members when they were judged to be unable to make objective decisions concerning handicapped children, especially since their very existence is based on the recognized ability to make objective judgements concerning all children.

BEST AVAILABLE COPY

Second, District RE-1 was concerned about the wisdom of making the public schools responsible for children between 0 and 5 years of age. We have seen the role of the schools change dramatically over the past years, with more and more demands being made and often times in the presence of diminishing financial resources. The public has every right to demand a functional educational program that results in a literate population, capable of coping with the demands of today's society. Public schools have a responsibility to exceed minimum expectations and to furnish tomorrow's leaders with the skills, talents and inspiration necessary to keep America great.

With that charge for students aged 5-21 (Colorado State Law) currently within their care, District RE-1 believed it would not be in the interest of the community to expand services to children below age 5, since this would present a dilution of resources to those already being served.

While it is conceded that early intervention usually results in a child being better prepared for the K-12 academic program, it is believed that much can and should be done by the parents in the home or, in the case of the handicapped, by a clinical institution with the personnel and resources to deal with their unique problems. The public schools must continue to be educational institutions, and should not be converted to clinical institutions. It is an unnecessary duplication of effort by service agencies and it places the public schools in a role they are not prepared for and should not be asked to assume.

It was further believed that age 0-5 services could be used by everyone, not just the handicapped, and it was unfair to other students to serve only the handicapped. Given the option of expanding or not expanding services to children aged 0-5, District RE-1 chose not to reduce their regular program efforts in order to serve that group.

District RE-1 was informed that participation in PL 94-142 was optional and, for the above mentioned concerns, chose not to participate during the 1978-79 school year. While the concerns are still present, the district has decided to participate in the 1979-80 school year, and is part of the Weld BOCES PL 94-142 special education plan.

During the time when District RE-1 was not participating in PL 94-142, we became directly involved with its' rules and regulations through the following sequence of events:

An eight year old special education student in District RE-1 is a ward of the Weld County Department of Social Services, and the foster child of RE-1 parents, who have had custody of her for four years and have made application for adoption.

The social worker for the child objected to the recommendations of the BOCES/RE-1 special education staffing committee and reported her objection to the Legal Center for Handicapped Citizens. The Legal Center examined our policy whereby the local board of education made final decisions on appeals for the placement of handicapped children, and informed us that we must have an impartial hearing officer as part of the appeal process. (See Exhibit A) When informed that RE-1 did not choose to participate in PL 94-142 and therefore was not subject to its' rules and regulations, the Legal Center filed discrimination charges with the Office of Civil Rights under the terms of Section 504 of the Rehabilitation Act of 1973, and its implementing regulations, 45 CFR, Part 84, contending that the district was obligated to comply with PL 94-142 as part of 504. ( See Exhibit B)

Prior to the receipt of charges from OCR, District RE-1 had already agreed to allow a hearing officer to participate in the case. When the Legal Center discovered this, they dropped the OCR charge. (See Exhibits C and D)

The Legal Center's chief objection seemed to be that the child spent too little time with the teacher of the educationally handicapped. It should be noted that the Legal Center was never specific in why they were protesting the placement of the child.

Over the course of six months of meeting with all parties concerned, more teacher time was given to the child because District RE-1 had hired additional staff. None of the districts' efforts appeared to satisfy the Legal Center, and they continued to insist that a hearing officer review the case. They appeared to be more concerned with procedures than with the welfare of the child.

When a hearing date was set and all parties were present, including a hearing officer, a district-hired attorney, and a secretary/recorder, the Legal Center and social worker conceded that they had no case and requested a four month delay to gather further data. (See Exhibit E)

This single incident cost District RE-1 $1300 in legal fees, plus approximately 350 man hours of professional staff time, and the issue never reached the formal hearing stage. The involved attorneys estimated a minimum of three days of testimony would have been necessary if the case had been heard. The time and money spent on this process was a definite drain on our local resources, and resulted in funds and personnel being diverted from other handicapped children as well as from regular program children.

The purpose of PL 94-142 is to serve handicapped children. In this case the child was not served and others were penalized by the involvement of an agency that appeared to be more concerned with rule interpretation and hearings, than on the welfare of children.

As of this writing, both social services and the Legal Center must also shoulder the responsibility for standing in the way of the foster parents' efforts to adopt the child, as they advised the parents that the available educational program was not adequate to meet her needs. It has been the concensus of a number of experts that the child's home status (ward of Social Services) contributes to her handicap, and that adoption would correct many of her problems.

Several issues of concern have grown out of District RE-1 involvement with this case. First, handicapped children should be placed in their least restrictive environment, which means mainstreaming with regular classroom students whenever possible. The degree of mainstreaming has been and will continue to be a matter of judgement based on each individual student's needs. The Legal Center was apparently debating with District RE-1 in favor of a greatly expanded time of isolated, tutorial involvement away from other students, in spite of all staffing recommendations. This was a definite contradiction in basic positions, and seems to be in conflict with the intent of the law.

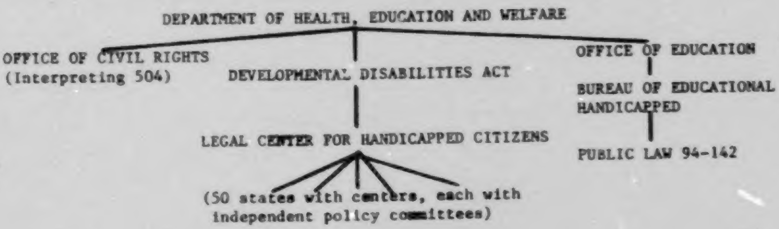
Second, there is a debate regarding more services. The issue is conceded that all students, handicapped or normal, could use more services. More speech therapy, more physical education, more reading, instruction, more U.S. History, etc.,. The Legal Center made their point that "more" would be beneficial, but local time, resources, and common sense dictate that there is and should be a limit to what any program should be expected to provide.

Third, District RE-1 found their competent and professional staffing committee under a great deal of pressure to change the educational program of a handicapped student because a local social worker had the Legal Center for Handicapped Citizens and the Office of Civil Rights fighting together against the committee decision. The committee needed constant reinforcement and reminding to be objective in determining what was best for the child, regardless of outside pressures. It would be a disservice to all handicapped children if local committies made decisions contrary to the childs' best interests because of these or any other pressures.

The Legal Center is intended by law to be a service related to the implementation of PL 94-142. It must not become an obstacle to service to children.

Fourth, there is currently a tendency to interpret PL 94-142 as requiring services for handicapped children on a twelve month basis. Where will funds be found to expand nine month programs into twelve? Don't parents of normal children have the same "right" to a twelve month education if it is furnished for the handicapped? Is "more" education of any more value than the process of letting a child be a child, at least during three months out of twelve, and not force all children into fully structured lives, twelve months a year?

Fifth, the interpretation of rules and regulations by related service agencies will not be consistent and functional for local educational agencies unless there is successful effort to coordinate all agencies. Consider the following structure under which we currently operate:


DEPARTMENT OF HEALTH, EDUCATION AND WELFARE
OFFICE OF CIVIL RIGHTS
(Interpreting 504)
DEVELOPMENTAL DISABILITIES ACT
LEGAL CENTER FOR HANDICAPPED CITIZENS
(50 states with centers, each with
independent policy committees)
OFFICE OF EDUCATION
BUREAU OF EDUCATIONAL
HANDICAPPED
PUBLIC LAW 94-142

Each of these agencies assumes some responsibility for the education of handicapped children. Each is striving for the same goal as the local education agency.......to serve children to the best of their ability. Each should support the other. Coordination is absolutely essential if efforts are to succeed. In our experience we have found ourselves dealing with individuals who seem to make up the rules as they go along, with no apparent communication to other agencies.

Finally, the federal government and all of its agencies should support the education of handicapped children, not try to assume the full responsibility for each detail of every program in the country. We must operate from a base of mutual trust. No government is large or powerful enough to enforce rules and regulations without the cooperation of those for whom the rules were written. When agencies recognize the integrity and sincerity of one another, from HEW to OCR to local boards of education, then cooperation will more likely result and children will receive the full benefits of good legislation such as PL 94-142.

## EXHIBITS

| NUMBER | CONTENT |
|---|---|
| A | LETTER FROM LEGAL CENTER FOR HANDICAPPED CITIZENS, FEBRUARY 21, 1979. |
| B | LETTER FROM OFFICE OF CIVIL RIGHTS MARCH 23, 1979 |
| C | LETTER FROM OFFICE OF CIVIL RIGHTS, APRIL [illegible]1, 1979 |
| D | LETTER FROM ATTORNEY, JAY SWEARINGEN MARCH 27, 1979 |
| E | TRANSCRIPT OF HEARING, MAY 24, 1979 |

Page 1 of 2 EXHIBIT A

# LEGAL CENTER FOR HANDICAPPED CITIZENS

1060 Bannock St., Suite 316
Denver, Colorado 80204
(303) 573-0542

February 21, 1979

**HAND DELIVERED**

Calvin M. Frazier
Commissioner of Education
Colorado Department of Education
201 East Colfax Avenue
Denver,Colorado 80203

Dear Commissioner Frazier;

This office represents the Director of the Weld County Department of Social Services, legal custodian of [redacted]. [redacted] is an 8 year old girl who has specific learning disabilities. She resides within the boundaries of Weld County Reorganized School District Re-1 and the Weld BOCES.

A staffing was held on December 12, 1978 in order to determine special education services for [redacted]. The recommendation of the staffing committee was appealed on December 13,1978. We have been notified that a hearing on the appeal has been set for the week of March 5, 1979, with the school board of District Re-1 acting as hearing officers.

The school board is prohibited from serving as hearing officers for this appeal pursuant to section 615 of P.L. 94-142 and its implementing regulations; the statement of agreements executed by Weld BOCES upon its receipt of P.L. 94-142 funds; the assurances made by the state of Colorado upon its receipt of P.L. 94-142 funds; Section 504 of the Rehabilitation Act of 1973, its implementing regulations and policy interpetation no. 6 issued pursuant to said regulations; the Fourteenth Amendment to the U.S. Constitution; rule 2220-R-6.0 et. seq. of the rules implementing Title 22, Article 20 C.R.S. 1973 as amended; and Article II, Section 25 of the Colorado Constitution.

Pursuant to P.L. 94-142, **the Colorado State Plan for P.L. 94-142**, and Section 504 of the Rehabilitation Act of 1973, **it is the responsibility of the State Board of Eduction and/or the State Department** of Education **to assure that local eduction agencies comply with P.L. 94-142 and Section 504.** In addition, pursuant to Article IX, Section 1 of the Colorado Constitution, it is the duty of the State Board to provide for the general supervision of the schools.

We request that you convene a special meeting of the State Board of Education, or take such other action as may be appropriate, to order District Re-1 and the Weld BOCES to appoint an impartial hearing officer for [redacted] appeal as required by the law, rather than allowing the appeal to proceed before the school board as presently scheduled. It

Page 2 of 2 EXHIBIT A

Calvin M. Frazier February 21, 1979
Page 2

is our position that no employee or member of the board of education of any of the districts comprising or using the services of the Weld BOCES can be deemed impartial. We would like to receive advance notice of this meeting.

Due to the time element, we would like to hear from you regarding this matter by February 26, 1979 and have the meeting scheduled by March 1, 1979.

Yours truly,

Lynn Finer

Lynn Finer
Legal Assistant

BP/lf

cc: Dr. Peter Fanning, Executive Director
of Special Education, State of Colorado
J.D. MacFarlane, Attorney General
Karl R. Schmidli, Weld BOCES
Jim Burks, Superintendant, District Re-1
Dr. Gilbert Roman, Office for Civil Rights,
U.S. Department of Health, Education and Welfare

Page 1 of 2

EXHIBIT B

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
REGION VIII
FEDERAL OFFICE BUILDING
19TH AND STOUT STREETS
DENVER, COLORADO 80294

OFFICE OF THE REGIONAL DIRECTOR

MAR 23 1979

Re: 08791037

Mr. James W. Burks
Superintendent
Weld County Reorganized District RE-1
P. O. Box 157
Gilcrest, Colorado 80263

Dear Mr. Burks:

A complaint has been filed with this Office alleging handicap discrimination against the Weld County Reorganized School District RE-1. This allegation, if substantiated, would constitute a violation of Section 504 of the Rehabilitation Act of 1973 and its implementing regulations, 45 CFR, Part 84.

The complaint was received in this Office on February 26, 1979 and will be assigned shortly to an investigator who will be in contact with you to advise you of the proposed dates of the investigation.

When the investigation of the complaint is scheduled, the following timeframe will apply:

> Within 90 days of the start of the investigation, a Letter of Findings will be issued. If a finding of compliance is made, the case will be closed. If a finding of noncompliance is made, the school will be given 90 days to negotiate an acceptable remedy to come into compliance. If we are unable to successfully negotiate an acceptable remedy within the 90 days, we will initiate enforcement procedures within the next 30 days.

We are obliged to inform you that an institution may not harass or intimidate an individual who has filed a complaint or participated in the investigation of a complaint. If this happens the individual may file a complaint alleging such harassment or intimidation which shall be handled pursuant to the timeframes mentioned here:

> No recipient or other person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any rights or privilege secured by Section 601 of the Act of this part, or because he has made a complaint, testified, assisted or participated in any manner in an investigation, proceeding or hearing under this part.

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Page 2 of 2

EXHIBIT B

If you have any further questions regarding this complaint please direct them to Mr. Walter S. Warfield, Assistant Director, Program Review and Management Support Division, Office for Civil Rights at (303) 837-2994.

Sincerely,

Gilbert D. Roman, Ed.D.
Regional Director
Office for Civil Rights

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Page 1 of 1

EXHIBIT C

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
REGION VIII
FEDERAL OFFICE BUILDING
19TH AND STOUT STREETS
DENVER, COLORADO 80294

April 11, 1979

OFFICE OF THE REGIONAL DIRECTOR

RE: 08791037

Mr. James W. Burks
Superintendent
Weld County Reorganized District RE-1
P. O. Box 157
Gilcrest, Colorado 80263

Dear Mr. Burks:

On March 23, 1979, we wrote informing you that a discrimination complaint had been filed against your district alleging a violation of Section 504 of the Rehabilitation Act of 1973 and its implementing regulations, 45 CFR, Part 84.

We have received a letter dated April 2, 1979, from the complainant stating that a satisfactory resolution has been achieved and she wishes to close the complaint. We are pleased to learn the matter has been settled and are hereby closing the case.

Sincerely,

Gilbert D. Roman, Ed.D.
Regional Director
Office for Civil Rights

cc: Jay Swearingen

Page 1 of 1

EXHIBIT D

**MILLER & SWEARINGEN**
ATTORNEYS AT LAW

SUITE 300 BARRISTER BLDG.
1555 GRANT STREET
DENVER, COLORADO 80203

REESE MILLER
JAY W. SWEARINGEN

TELEPHONE (303)861-0616

March 27, 1979

Lynn Finer
Legal Center for the Handicapped
1060 Bannock
Denver, Colorado

Re: [redacted]

Dear Lynn:

As we discussed on the telephone, the Gilcrest School District is willing to provide [redacted] with a hearing before an independent hearing officer pursuant to the State Plan regarding Public Law 94142. As I noted, the two hearing officers suggested by the Department of Education include Dr. Robert Sloat and Dr. Willard Jones. As I mentioned, I have not yet heard from Dr. Jones regarding his availability for a hearing. Dr. Sloat has indicated an ability to appear April 2 through April 5, 1979 if necessary.

As I noted earlier, the District does not take the position that is bound by Public Law 94142, since it receives no Public Law 94142 funds. However, the use of the procedure set forth in the Colorado State Plan regarding the use of an independent hearing officer may provide a method for resolution of the current dispute.

I will be checking with Dr. Jones again to determine his availability and will contact you by phone, in order that you may select both a hearing officer and a time for the hearing. I assume we will be able to reach a mutually agreeable date for the hearing.

Should you have any questions regarding this matter, please contact me. I will contact you with any information which I might receive.

Sincerely,

MILLER & SWEARINGEN

Swearingen

Jay W. Swearingen

cc: James W. Burks

Page 1 of 1 EXHIBIT E

[redacted]

Jay Sweargin: This is a case hearing scheduled for this date, [redacted], [redacted], in the matter of [redacted]. This date was set for a hearing, in this case, to review the placement of [redacted] and an agreement has been reached between the school district and the representatives for [redacted]. My name is Jay Sweargin, and I am appearing on behalf of the district, and my address is 1535 Grant Street, Denver, Colorado, 80203, and appearing on behalf of [redacted] is -

Chester Chapman: Chester Chapman, Legal Center for Handicapped Citizens, 1060, 1-0-6-0, Bannock Street, Denver, 80204.

Jay Sweargin: The hearing officer selected by the parties in this case is Dr. Willard Jones. Dr. Jones is present and as noted, an agreement has been reached. The placement of [redacted] will continue into the next school year as determined at the last staffing in the school district, May 1, 1979. However, following ten school days into the next year - to be more specific, between September 10th and September 21st, representatives for [redacted] from the University of Denver and Mrs. Giles will observe the classroom placement of [redacted]. Between September 24th and October 5th, 1979, a staffing will be held at which time the-the representatives of [redacted] will be able to be present and participate in the staffing. If the "no concensus" or "no agreement" is reached between the district and [redacted] representatives regarding the placement as determined at that staffing, a hearing regarding the differences will be held on October 15th and 16th, 1979, and we would presume that Dr. Jones would again be the hearing officer in this case. Is there anything you want to add?

Chester Chapman: Only one thing - that the representatives for [redacted] from Denver University and Mrs. Giles will be invited by the district so we can observe in the classroom and also participate in the staffing.

Jay Sweargin: Yes, that is part of the agreement. And if there is nothing further, Dr. Jones, I would presume the hearing today or this meeting today could be terminated.

Dr. Jones: Fine.

WELD COUNTY
REORGANIZED SCHOOL DISTRICT RE-1
LA SALLE · GILCREST · PLATTEVILLE
GILCREST COLORADO 80623

OCT 22 1979

October 16, 1979

Received
Date [illegible]-22-79
Subcommittee on
[illegible] Handicapped

Senator Jennings Randolph
Chairman
Subcommittee on the Handicapped
Room 4230, Dirkson Senate Office Building
Washington, D.C. 20510

Dear Senator Randolph,

Thank you again for allowing me to appear before your Subcommittee on the Handicapped. I was deeply impressed by the efforts being made by you and your staff as you search for the solutions to problems facing handicapped children. This is a most noble area and it must be quite satisfying for you to know you are helping so many people.

Enclosed is a copy of the questions asked by you and Senator Stafford. I have also sent a copy to Jim Powell, Staff Editor. Please forward, if these responses belong in a different office.

I am grateful to you for listening to my testimony. Please let me know if more information is needed.

Sincerely.

James W. Burks

James W. Burks
District Superintendent

sw
Enc:

JAMES W. BURKS - QUESTIONS

1. YOU STATE THAT DISTRICT RE-1 WAS INFORMED THAT PARTICIPATION IN PUBLIC LAW 94-142 WAS OPTIONAL. COULD YOU TELL THE SUBCOMMITTEE WHERE THAT INFORMATION ORIGINATED?
2. YOU ALSO STATE THAT THERE IS "CURRENTLY A TENDENCY TO INTERPRET PUBLIC LAW 94-142 AS REQUIRING SERVICES FOR HANDICAPPED CHILDREN ON A TWELVE MONTH BASIS." HAVE PARENTS IN YOUR DISTRICT OR IN COLORADO USED THE 94-142 DUE PROCESS PROCEDURES TO OBTAIN 12 MONTH SCHOOLING?
3. YOU NOTE THAT THE OFFICE FOR CIVIL RIGHTS, THE DEVELOPMENTAL DISABILITIES OFFICE OF DHEW - THROUGH ITS FUNDING OF THE LEGAL CENTER FOR HANDICAPPED CITIZENS - AND THE BUREAU OF EDUCATION FOR THE HANDICAPPED NEED TO COORDINATE THEIR ACTIVITIES. WAS THE BUREAU OF EDUCATION FOR THE HANDICAPPED INVOLVED IN ANY WAY, TO YOUR KNOWLEDGE, IN THE DUE PROCESS MATTER YOU MENTIONED IN YOUR TESTIMONY?
4. HOW MANY CHILDREN IN YOUR DISTRICT ARE IDENTIFIED AS HANDICAPPED PURSUANT TO PUBLIC LAW 94-142? OF THESE CHILDREN, ARE ANY BEING EDUCATED IN PRIVATE OR NONPUBLIC DAY OR RESIDENTIAL SCHOOLS? DOES YOUR DISTRICT SHARE ANY OR ALL OF THE COST OF EDUCATING THESE CHILDREN?

## RESPONSE TO QUESTIONS

TESTIMONY QUESTIONS:

1. Participation in PL 94-142 was defined to Weld County School District RE-1 by the Colorado Department of Education as being optional. Approval of this plan was done through the Federal Bureau of the Handicapped.

2. Parents in Weld County School District RE-1 or, to my knowledge in Colorado, have not used 94-142 due process to obtain 12 month schooling. We have heard local interest expressed during special education staffings. Legal advisors have watched court actions across the country with great interest, and have noted a lower court ruling in Pennsylvania that twelve month programs must be provided. This has led to many local inquiries on this issue. All seem to believe that 94-142 requires twelve month service for the handicapped.

3. To my knowledge, the Bureau of Education for the Handicapped was not involved, in any way, in the due process matter mentioned in my testimony. Since BEH is responsible for PL 94-142, yet the Legal Center for Handicapped Citizens is developing its' own set of rules, I believe some checks and balances between agencies need to be developed if local districts are to receive a clear picture of rules and regulations.

4. There are 100 children in our district identified as handicapped and of these none are being educated in private or nonpublic day or residential schools. Our district does not currently share in the cost of educating children in such schools.

LOCAL ADMINISTRATORS - FUNDING

1. WHAT EFFECT DO YOU FEEL THE "PROPOSITION 13 MOVEMENT" HAS HAD ON THE SPECIAL EDUCATION SERVICES AND RELATED SERVICES AVAILABLE TO HANDICAPPED CHILDREN?
2. WHAT PROPORTION OF YOUR TOTAL SPECIAL EDUCATION BUDGET IS CURRENTLY USED TO PAY PRIVATE PLACEMENT COSTS? ARE OTHER AGENCIES SHARING THESE COSTS? IF SO, TO WHAT DEGREE ARE THESE AGENCIES SHARING COSTS?
3. WHAT PROPORTION OF YOUR SPECIAL EDUCATION EXCESS COSTS ARE PROVIDED FROM LOCAL, STATE AND FEDERAL SOURCES?
4. WHAT WAS YOUR AVERAGE EDUCATION EXPENDITURE FOR HANDICAPPED CHILDREN FOR THE 1977-78 SCHOOL YEAR COMPARED WITH THE AVERAGE EXPENDITURE IN THE 1973-74 SCHOOL YEAR?
5. ARE YOU SATISFIED WITH THE TIMELINESS OF YOUR GRANT AWARD UNDER PUBLIC LAW 94-142?

RESPONSE TO QUESTIONS

LOCAL ADMINISTRATORS - FUNDING

1. I feel the "Proposition 13 Movement" will not reduce or eliminate services available to handicapped children, because these programs are mandatory and are closely monitored by the legal system. I believe 94-142 encourages "empire building" within the special education system, as programs and staffs are expanding with no apparent limits. As it is being interpreted, a service prescribed in an IEP becomes a mandatory staffing requirement for the school district. As this system grows and at the same time funds are limited through Proposition 13 movements, the only place a local district can reduce program is in the regular classroom with the "normal" child. I predict this will eventually lead to a public and professional backlash that will hurt the handicapped children program. The obvious solution to the problem is 100% funding for all buildings, supplies and staff needs generated by mandatory legislation such as PL 504 and 94-142.

2. None of our total special education budget is currently used to pay private placement costs since we have no children in such schools.

3. Special education excess costs are provided as follows:

| | |
|---|---|
| LOCAL | 50% |
| STATE | 40$ |
| FEDERAL | 10% |

With more demands being made to furnish more sophisticated special special education programs, the drain is primarily on local resources, and is having a significant impact on regular programs.

4. The excess cost for educating handicapped children is as follows:

| | | |
|---|---|---|
| 1973-74 | $498 | Average |
| 1977-78 | $872 | Average |

5. I am satisfied with the timeliness of our grant award under PL-94-142.

LOCAL ADMINISTRATORS - IEP

1. IS EACH INDIVIDUALIZED EDUCATION PROGRAM DEVELOPED FOR A HANDICAPPED CHILD UNIQUE, OR IS THERE A "MASTER" IEP FORM WHICH TEACHERS, PRINCIPALS AND OTHER PARTICIPANTS ARE ENCOURAGED TO USE?
2. ARE THERE ANY PATTERNS IN DISAGREEMENTS BETWEEN PARENTS AND EDUCATORS IN THE DEVELOPMENT AND IMPLEMENTATION OF IEP'S?
3. HAVE YOU ENCOUNTERED ANY DEMAND FOR IEP'S FOR NONHANDICAPPED STUDENTS IN YOUR DISTRICT?

## RESPONSE TO QUESTIONS

LOCAL ADMINISTRATORS - IEP

1. In our school district we do not use a "master" IEP form. Our prescription is written around each individual child. Our staffing committee is advised, however, to use some practical common sense in making recommendations. We are also sensitive to the fact that more and more services may not always be best for the child. While the IEP is basically a blank check for the staffing committee, we would hope that impossible demands would be evaluated as such, before appearing on an IEP. For example, perhaps a week-long big-game hunt would be therapeutic for a child. We would evaluate what we would expect the child to gain from such an experience and look for an alternative, rather than escort him into the wilderness to kill an elk.

2. We have had very few disagreements between parents and educators in the development and implementation of IEP's. We more frequently have dissenting opinions from staff. There is no pattern that we can determine.

3. We have encountered no demand for IEP's for nonhandicapped students in our district.

LOCAL ADMINISTRATORS - SECONDARY SCHOOL

1. A 1979 REPORT BY THE DHEW INSPECTOR GENERAL FOUND IN SCHOOL DISTRICTS SURVEYED THAT ..."SPECIAL EDUCATION PROGRAMS WERE WEAK AT THE JUNIOR HIGH AND HIGH SCHOOL LEVELS." IN YOUR JUDGMENT, HOW DOES THIS FINDING RELATE TO THE SECONDARY CURRICULUM IN YOUR DISTRICT? WHAT TYPES OF VOCATIONAL EDUCATION PROGRAMS DO YOU HAVE TO ENABLE NON-COLLEGE BOUND HANDICAPPED STUDENTS TO BECOME EMPLOYABLE MEMBERS OF THE LABOR FORCE?
2. WHAT ASSISTANCE DOES YOUR DISTRICT RECEIVE FROM THE VOCATIONAL REHABILITATION AGENCY TO FACILITATE A SMOOTH TRANSACTION FOR YOUNG HANDICAPPED ADULTS FROM HIGH SCHOOL TO EMPLOYMENT OR ADDITIONAL TRAINING?

## RESPONSE TO QUESTIONS

LOCAL ADMINISTRATORS - SECONDARY SCHOOL:

1. While a weakness could historically be identified in our special education program for grades 9-12, we have made considerable effort in this area within the past three years and now have a comprehensive program for those students. One weakness which we feel is shared with many others is retention of special education students at the secondary level. If we are less than 100% successful in improving self-concept and in helping students retain an interest in school, they become discouraged and leave the system when they reach 16 years of age. This is especially true of learning handicapped children with perceptual and other non-visible problems.

   Our vocational programs are ideal for a high school our size (500). On-campus courses include vocational agriculture, industrial arts, consumer education, home economics, and an integrated career education program in all subjects. Off-campus and easily accessible is Aims Community College where we contract for any special vocational program desired by the student. Our identified handicapped students are sometimes staffed into a pre-vocational class (grades 6-12) where they are carefully guided through these various program alternatives

2. Our Board of Cooperative Educational Services receives 20% reimbursement for four work study teachers. One full-time vocational rehabilitation counselor is funded 100% and we receive partial support for one secretary. With rehabilitation assistance, young adults are placed on jobs in the community. Stipends are paid to employers. They also participate in our off-campus training facilities, designed to enhance living skills.

LOCAL ADMINISTRATORS - DUE PROCESS

1. ARE THERE ANY PATTERNS IN DUE PROCESS COMPLAINTS IN YOUR DISTRICT?
2. HOW MANY DUE PROCESS COMPLAINTS HAVE BEEN FILED IN YOUR DISTRICT SINCE PUBLIC LAW 94-142 BECAME EFFECTIVE? HOW MANY HEARINGS HAVE BEEN HELD? HOW MANY DECISIONS WERE APPEALED? WHAT WAS THE DISPOSITION OF THE HEARING OFFICERS?

## RESPONSE TO QUESTIONS

### LOCAL ADMINISTRATORS - DUE PROCESS

1. Since we have only had one due process complaint in our district it is difficult to determine a pattern. Our experience is quite similar to others within our Board of Cooperative Educational Services intermediate administrative agency, since most of our complaints have been filed by our local Department of Social Services on behalf of wards of the court within their care. These complaints were then taken directly to the Legal Center for Handicapped Citizens for rules interpretations and legal intervention.

2. Only one due process complaint has been filed in our district since PL 94-142 became effective. We debated over the right of a local board of education to act as impartial decision makers in deciding disputes over student placement. Our local staff, board and citizens believe strongly that the board can make sound decisions for handicapped, just as they do for other students.

   Our due process complaint was dropped by the Legal Center for Handicapped Citizens on the day it was scheduled to be heard. We had a mutually agreed upon, impartial hearing officer, our attorney, and several staff members present and ready to conduct the hearing. While the hearing was cancelled, our local costs were $1,300 which resulted in funds being diverted from children.

   Outside of this one experience, no other staffing decisions have been appealed.

   Our hearing officer was selected from a resource list furnished to the Legal Center and to us by the Colorado Department of Education. The person mutually agreed upon was Dr. Willard Jones, a special education specialist from the University of Northern Colorado.

## QUESTIONS FOR SCHOOL ADMINISTRATORS:

1. What preschool identification and evaluation procedures are used in your school districts?

2. Besides the public schools, what other local and State agencies are involved in the identification and evaluation of preschool handicapped children?

3. What types of preschool programs does your school districts provide for handicapped children?

4. What types of tests and other procedures are used in the identification and evaluation of handicapped children in the school districts? Who administers these tests?

5. In what ways, if any, do limitations on availability of a particular special education resource influence which types of handicapping conditions are identified, evaluated, and served?

6. To what degree have you used private placements in order to provide the educational services needed by handicapped children?
    a. In general, what are the reasons for private placements in the school districts?
    b. Is there any pattern by handicapping condition in your private placements?
    c. Have these placements in private programs been the result of local school districts not having an appropriate program for these children?
    d. How many of these children were placed in private programs prior to the implementation of P.L. 94-142?

7. In what types of educational settings, besides the regular classroom, are handicapped children in the school districts receiving education and related services?

8. Who is providing the majority of educational services for handicapped children?
    a. special education teachers?
    b. regular classroom teachers?
    c. classroom aides?

9. What handicapping conditions have been the most difficult to successfully "mainstream" into the regular classroom?

10. How would you respond to the concern that some handicapped children are being "dumped" into regular classrooms and thus are receiving fewer educational services than would be provided in self-contained classes or residential settings?

11. What follow-up procedures do the school districts use to keep track of the educational progress of a handicapped child once placement has occurred?

12. A 1979 report by the HEW Inspector General found in school districts surveyed that ... "special education programs were weak at the junior high and high school levels."
    a. In your judgement, how does this finding relate to the secondary curriculum in your school districts?
    b. What types of vocational education programs do you have to enable non-college bound handicapped students to become employable members of the labor force?

13. Is each Individualized Education Program unique, or is there a "master" IEP form which teachers, principals and other participants are encouraged to use?

14. What follow-up procedures are used to ensure that the goals and objectives of the IEP are actually being carried out in the classroom?

15. After a handicapped student is identified, what is the average amount of time required to prepare the IEP and place the child in an appropriate setting?

16. What sort of certification do handicapped children receive upon the completion of their "secondary" studies: a regular diploma? special certificate?

[illegible] questions

17. How is your State actually using their Federal dollars for the education of the handicapped?

18. How does your State actually finance the local school district spending for the education of the handicapped (i.e. via reimbursement, forward funding, letters of credit, etc.)?

19. To what degree is your State and local school districts spending their 94-142 dollars to purchase (1) "educational services"? (2) "related services"?

20. Is your State IEP requirement different from that of 94-142? Do the regulations on the State and Federal level differ?

21. What role is the IEP requirement playing in the contract negotiations between teachers and school districts? For example, are teachers demanding release time for the preparation of the IEP, etc.?

22. In general, how do your State laws and regulations for the education of the handicapped differ from the Federal requirements? What are the major areas of State-Federal conflict?

23. How many due process cases has your State and local educational agencies handled during the last year?

24. What form do the due process hearings take (ie are your state laws and regulations different from that of the Federal law)?

## RESPONSE TO QUESTIONS

GENERAL QUESTIONS FOR SCHOOL ADMINISTRATORS:

1. Preschool identification and evaluation procedures used in our school district include our district share of one Board of Cooperative Educational Services "child find" specialist who works with pre-school, out of school and kindergarten round-up families. Other referrals are received through a county-wide consortium of public service agencies.

2. No state agencies are involved in our identification process. Our county-wide consortium includes the following:
   - Weld County Community Center
   - Weld County Public Health
   - Weld County Mental Health
   - Weld County General Hospital
   - Head Start
   - Department of Social Services
   - Day Care Centers
   - Public and private pre-schools
   - Aims Community College
   - University of Northern Colorado

3. The preschool programs provided to handicapped children by our district include identification and referral services, and building facilities for the preschool trainable mentally retarded.

4. Most testing is done by the school psychologist or the learning disabilities teacher. Speech and hearing tests are given by the speech therapist, while visual tests are given by the school nurse. The social worker administers the SOMPA. Special cases beyond the capacity of local staff, are referred to appropriate agencies. The test battery administered to the child, is attached to this page

(SEE TEST BATTERY ATTACHMENT)

## TEST BATTERY

Suspected EMH

WISC, WAIS, or McCarthy
Woodcock Reading Mastery Test
Key Math Diagnostic Test
Motor-Free Visual Perception Test or a Bender
Draw A Person, House-Tree-Person, or Sentence Completion
School Attitude Test (optional)
Observation - Interview
Work Samples

Suspected EH

WISC, WAIS, McCarthy, or ITPA/Stanford
(only after observation in an EH setting or after screening by an EH teacher)
Woodcock Reading Mastery Test or PIAT
Key Math Diagnostic Test
Motor-Free, Bender, or Jordan Left-Right Reversal Test or Beery VMI
Auditory Discrimination Test
Detroit Test of Learning Aptitude
Draw A Person, House-Tree-Person, Sentence Completion, CAT
Observation - Interview
Work Samples

Bilingual Child

Auditory Test of Language Comprehension
Information Interview (by a bilingual person, if possible)
Columbia Mental Maturity Scale
Key Math
Woodcock Reading Mastery Test
School Attitude Test
Motor-Free, Bender, or Jordan
Projective (vary according to language skills)
Close classroom observation and interview
Draw A Person
WISC, WAIS (depending on language skills)
BESI Reading and Math
Memory for Designs

## EVALUATION MEASURES

1. WISC-R
   Wechsler Intelligence Scale for Children-Revised
   David Wechsler

   This is a test of general intelligence for students 1-16 years old. The test is individually administered, and is a good predictor of success in school. There are two main sections to the test, Verbal and Performance.

   A unique feature of this test is that language is not a requirement for the Performance Section, thus bypassing any language requirements.

   WISC-R is a widely respected and frequently administered test.

2. WAIS
   Wechsler Adult Intelligence Scale
   David Wechsler

   Same as the WISC-R, except for those 16 years and older.

3. Key Math Diagnostic Arithmetic Test

   This is a comprehension test of arithmetic ability for preschool children through grade six, with no upper limit for remedial usage The test is individually administered to the child.

   Key Math tests fourteen areas of arithmetic skills. For example, addition, subtraction, numerical reasoning, missing elements, money, and time.

   The test yields grade level equivalents for the child. Key Math is generally considered the best test of arithmetic skills available.

4. Woodcock Reading Mastery Test

   The Woodcock Reading Test takes a look at spelling skills, word attack skills, word recognition, and general reading abilities in students.

   The test serves to identify ability and disability areas for children, with respect to reading. Following the identification of problem areas, we may prescribe a program of improvement to strengthen the students reading skills.

5. Jordan Left-Right Reversal Test

The Jordon Left-Right Reversal Test is an individually administered test for children 5-12 years old. The three sections of the test rate the child's ability to select letters, numbers, and words that are in reverse order.

This test assists the classroom teacher to identify children who have perceptual problems with printed symbols.

6. Columbia Mental Maturity Scale

This is a nonverbal test, individually administered and untimed. It examines the childs ability at color, shape, size, number, kind, and missing parts.

The child is asked to respond by selecting the picture in a given series which is different from, or unrelated to, the others.

Children typically enjoy this test. The pictures are large and clear, and the test can be administered in 15-20 minutes.

7. Wepman Auditory Discrimination Test

This test is related to the speech and language development of the child. Its purpose is to make possible the collection of meaningful information about the child and his listening/speech abilities.

Visual and Auditory stimulation is used in the test, and the child is asked to do a variety of tasks, such as naming pictures, repeating words, and the like.

8. Developmental Test of Visual-Motor Integration

This is a test which looks at visual abilities and needs, as well as motor abilities and needs, in children.

The student is asked to copy lines and geometric figures. By analyzing the childs work, we are able to isolate his visual-motor strengths and weaknesses. Then, a program of remediation follows for the student.

9. McCarthy Scales of Children's Abilities

The McCarthy Scales gives the school a comprehensive picture of a child's general intellectual abilities. The McCarthy Scales look at such areas as puzzle-solving, pictures memory, numbers, leg and arm coordination, drawing, counting, and similar skill areas.

By administering the McCarthy Scales to a child, we are able to see strength and weakness areas in subtests, and to compare the childs subtest scores to get a good picture of the child's relative abilities.

10. Carrow Test for Language Dominance

This is an individually administered test for children 2-10 years old, which shows the dominant language of a child, Spanish or English. The test gives a Language Dominance Level, in either Spanish, or English.

11. Bender Gestalt Test

The Bender requires the student to copy various lines and geometric figures. This test looks at eye-hand coordination, self-image through pictures, and perception.

The Bender is used in conjunction with other tests to determine perceptual weaknesses and to establish remedial programs.

12. Detroit Tests of Learning Aptitude

The Detroit Tests of Learning Aptitude are a series of nineteen tests which give a measure of general intelligence for students three to nineteen years of age. This test is particularly noted for its ability to sample auditory memory, as well as giving a comprehensive picture of the child's learning processes.

The Detroit Tests of Learning Aptitude include, for example, pictorial opposites, verbal opposites, social adjustment, number ability, and oral directions. The authors state that a minimum of at least nine tests should be given, otherwise the diagnosis is faulty and incomplete. A maximum of thirteen is recommended.

5. Handicapped conditions in our school district are identified, evaluated and served on the basis of each individual childs' needs. Consequently, our special education programs are expanding. We do not write IEP's around existing programs or available resources, but we do believe the staffing committee must exercise rational, common sense judgement when prescribing programs.

6. At the present time we have no privately placed handicapped children. We pool resources through a Board of Cooperative Educational Services and are therefore able to provide programs for most children, such as the trainable mentally handicapped. We contend, however, that public schools are not now nor should they become clinical institutions. Severe physical or psychological cases should be served by those institutions better equipped with staff and facilities to deal with such children. It is unfair to the child, the staff and other children in the school to attempt to work with extreme cases when we are not equipped to do so. Under these instances, private placement would be in order.

7. All of our handicapped children are receiving education and related services in educational settings similar to the regular classroom. Most are in auxiliary rooms within the classroom building and are mainstreamed during part of their day. Our TMR program is isolated in a separate building for the safety and welfare of these very special children.

8. Of the 100 identified handicapped students in our district, most have less serious problems such as speech and perceptual handicaps. These children spend most of their time in the regular classroom and therefore are served primarily by classroom teachers.

   More severe handicaps, such as retardation, are served by special education teachers during the majority of the students' day.

   We use classroom aides only as assistants to the teacher and in the presence of teachers. They provide a minimal service in our district.

9. The emotionally disturbed child has been most difficult to mainstream, because of the dangers presented to other children and because of the demands placed on the teacher.

   Multiple handicapped children such as non-verbal, partially sighted, deaf (multiple handicap) are almost impossible to mainstream.

10. I would agree whole heartedly that we run the risk of harming a handicapped child by mainstreaming him or her into a school where staff and facilities are not prepared to serve his or her needs. Schools are educational institutions, not clinical institutions and we should not try to change that pattern. Locally we have found parents in support of leaving their child in self-contained classes or residential settings where they know proper services will be delivered.

11. Our school district reviews the placement of all handicapped children at least twice each academic year. If a sudden change occurs for the child a staffing can be called at anytime.

12. While a weakness could historically be identified in our special education program for grades 9-12, we have made considerable effort in this area within the past three years and now have a comprehensive program for those students. One weakness which we feel is shared with many others is retention of special education students at the secondary level. If we are less than 100% successful in improving self-concept and in helping students retain an interest in school, they become discouraged and leave the system when they reach 16 years of age. This is especially true of learning handicapped children with perceptual and other non-visible problems.

    Our vocational programs are ideal for a high school our size (500). On-campus courses include vocational agriculture, industrial arts, consumer education, home economics, and an integrated career education program in all subjects. Off-campus and easily accessible is Aims Community College where we contract for any special vocational program desired by the student.

    Our identified handicapped students are sometimes staffed into a pre-vocational class (grades 6-12) where they are carefully guided through these various program alternatives.

13. In our school district we do not use a "master" IEP form. Our prescription is written around each individual child. Our staffing committee, we would hope that impossible demands would be evaluated as such, before appearing on an IEP. For example, perhaps a week-long big-game hunt would be therapeutic for a child. We would evaluate what we would expect the child to gain from such an experience and look for an alternative, rather than escort him into the wilderness to kill an elk.

14. The IEP is the result of a group effort to prescribe a beneficial educational program to a handicapped child. This group includes seven to nine members of the local staff. More than one staff member usually serves an individual child. Through this group, or team effort, the IEP is under constant scrutiny and undergoes daily evaluation. Staffings are also held where the group reports on individual assignments and progress made with each IEP.

15. While it is difficult to determine exactly how much time is spent between identification and placement of a child, we would estimate an average of 20 man hours are expended, and the placement could occur within one week of identification.

16. The handicapped children completing a secondary studies program in our district receive a regular diploma.

17. Most federal dollars for the education of the handicapped in Colorado are used to supplement local and state programs. The dollar amount is approximately 10%, so it cannot have significant impact. Most of our local effort with federal funds has been to identify handicaps and establish new programs.

18. Colorado reimburses the local district for money spent for education of the handicapped.

19. The State of Colorado spends nothing in our district from 94-142 for educational related services. Of the $88,000 received by our BOCES, 20% is spent for related services and 80% is spent for educational services.

20. There is no difference in the IEP requirements at the Federal, State or local levels.

21. We do not have a contract negotiations agreement with our teachers. There has been no complaint from teachers regarding the IEP.

22. State law and Federal requirements for education of the handicapped are quite similar. Our major areas of conflict are:

    A. Ages served. Colorado has conceded as a goal that they will serve the 0-5 year old range, while Federal regulations call for that service as a foregone conclusion. There are many of us who feel we are assuming entirely enough responsibility with the 5-21 year olds, without extending ourselves into the 0-5 year range. We feel this would dilute our current programs tremendously and would definitely lead to demands for services for all children aged 0-5. Since the majority of our funding is local, we should have control of this issue.

    B. Hearing process. The Federal regulations call for an impartial hearing officer, while our state plan recognizes the local board of education as being capable of making decisions. This is a serious difference that led us into a legal hassle with the Office of Civil Rights and the Legal Center for Handicapped Citizens. Locally we feel that the board of education does a good job with decisions for all students, including the handicapped, and that they represent the public they serve. They are certainly accountable for their actions through the election process, while a hearing officer renders his or her decision with little responsibility for the action.

23. I am unaware of the number of due process cases our state educational agency has handled during the last year. Locally, we have had one case, which never went completely through the formal hearing process, although it cost us $1,300 plus many, many professional staff man hours. This drain on resources can be blamed on the Legal Center for Handicapped Citizens, and the real "losers" were the children whose staff and resources were drained by the case.

24. Our state and local due process hearing regulations were different from Federal law, which is why civil right charges were filed against us. We were defending the right of local boards of education to control the education program in the local school district, and we objected to this control shifting to either the state or Federal levels.

Our present due process hearing is in compliance with 504 and 94-142 regulations, but it is not a popular procedure with local people.

WELD COUNTY
REORGANIZED SCHOOL DISTRICT RE-1
LA SALLE · GILCREST · PLATTEVILLE
GILCREST, COLORADO 80623

1979 C P 2 53

December 6, 1979

COMMITTEE ON
HUMAN RESOURCES
1979 DEC 10 PM 4: 39

Senator Harrison A. Williams, Jr.
Chairman
Committee on Labor and Human Resources
4230 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Harrison,

Enclosed is my response to your list of questions about our PL 94-142 program. I was most happy to appear before Senator Randolph's oversight hearing and to respond to follow-up questions. As an educator I wish to thank you for sponsoring child-centered legislation such as 94-142.

Please let me know if I can be of further service.

Sincerely,

James W. Burks

James W. Burks
Superintendent
Weld County School District RE-1
P.O. Box 157
Gilcrest, CO 80623

sw
Enc:

Questions for LEA's

1. What amount of your Public Law 94-142 dollars are going to purchase (1) "educational services"? (2) "related services"?

   What percentage of your handicapped budget (federal, local, and state combined) goes to elementary schools and what percentage goes to the secondary schools?

2. What types of technical assistance have you received from the state?

   What additional assistance would you like in the future?

3. What was the ratio between the federal and state funding to your local education agency in 1975 and what is the present ratio?

4. Has your local education agency imposed additional requirements concerning the IEP (individualized education plan) process beyond those specifically required by Public Law 94-142?

   What are those requirements?

   Has the state education department imposed additional requirements to the IEP process other than those specifically mandated by Public Law 94-142?

   What are those requirements?

5. Are regular teachers involved in the development of the IEP?

6. What role is the IEP requirement playing in the contract negotiations between the teachers' union and school districts?

   For example, are teachers demanding release time for the preparation of the IEP, etc.?

7. What are the options and approaches utilized by your local education agency in implementing the "least restrictive environment" provision mandated by Public Law 94-142?

   To what extent do you use one of the options, "mainstreaming"?

8. How many due process proceedings did your LEA handle last school year?

   What were the issues involved?

   What were the dispositions of the complaints?

9. How do you determine that a child needs special education services?

   What professionals within the school system are usually involved in this determination?

   What types of test are most frequently used?

10. Do you have a backlog of evaluations?

    What efforts are being made to alleviate this?

    What additional assistance do you require?

11. Is there an adequate supply of licensed special education personnel?

    In what areas of handicapped expertise is your LEA deficient?

    Are you providing in-service training to regular teachers who will have handicapped children in their classes?

12. What is the maximum caseload at any one time for a resource room teacher? a speech pathologist? a social worker? a psychologist?

    What is the pupil teacher ratio in regular classes?

13. Does your inservice training provide relevant courses for principals and administrators who need information on all aspects of Public Law 94-142?

14. What percent of your 1975-1976 budget was spent on mildly handicapped (learning disabled, mildly retarded, etc.) and what percent are you presently spending?

15. In your opinion are your programs for the handicapped student in the secondary schools adequately serving their needs?

    What additions or changes do you anticipate in the next school year?

16. Are programs in vocational education being provided to the handicapped students in the secondary schools?

    How are you otherwise preparing handicapped students for the world of work?

    Has there been a cooperative effort with other agencies to facilitate the handicapped students transition into the labor market?

What have been the barriers?

17. What type of certification do handicapped children receive upon completion of their "secondary" studies?

What problems, restricitons, or other limitations are associated with special certificates in your area?

18. Is there a lack of personnel, related services, or comprehensive programming for low-incidence handicapping conditions?

19. Are you providing a year-round education for those handicapped children whose conditions warrant such services?

What handicapping contitions necessitate year round educational services?

Is your LEA planning to offer year round services to children with specific handicapping conditions in the future?

Are you at present making provisions to provide a year round education for those handicapped children for whom it has been determined there exists the need for continuous educational services?

20. Should physicians be included in the annual review?

If so, for what types of handicapping conditions?

## RESPONSES

1. (A)
    - (1) Education Services 80%
    - (2) Related Services 20%

   (B) Percentages of Federal, State and Local
    - (1) Elementary 65%
    - (2) Secondary 35%

2. (A) Assistance
    - (1) Inservices
      Consulting
      On-Site Reviews

   (B) Future Assistance
    - (1) Indepth consulting and support services in program areas.
    - (2) Curriculum planning.

3. Ratio 1975 640,000 to 34,000
   Ratio 1979 10,050,000 to 75,000

4. No additional requirements.

5. Yes, Minimally

6. No role in negotiations.
   No demands as of yet.

7. The process known as mainstreaming has been used in this district for several years prior to the implementation of 94-142. Staffing committees have always considered least restrictive placement also.

8. (A) One due process hearing.

   (B) Appropriateness of placement

   (C) Hearing was dismissed at request of plaintiffs.

9. (A) This decision is made by the staffing committee.
   (B) (1) Parent
    - (2) Psychologist
    - (3) Principal
    - (4) Special Education Director
    - (5) Appropriate Special Education Personnel

   (C) (1) Intelligency Test
    - (2) Perceptual Test
    - (3) Achievement Tests
    - (4) Social History
    - (5) Medical History
    - (6) Hearing and Visual Testing

10. (A) Backlog - about 1 to 2 weeks
    (B) Nothing is necessary
    (C) More Social Workers

11. (A) Yes
    (B) None
    (C) Yes, but we need improvement in this area.

12. (A) (1) Resource Teacher 1:15
    (2) Speech Therapist 1:50
    (3) Social Worker 1:2000
    (4) Psychologist 1:2000

    (B) Approximately 1:19 (certificated teachers)

13. (A) An inservice for all administrators is being planned.

14. 1975-76 Special Education budget 90%
    1979-80 Special Education budget 85%

15. (A) For the most part, yes.
    (B) More support services in area of Occupational Therapy and Physical Therapy.

16. (A) Yes
    (B) W/S Program, Pre/Voc Training, Job Placement, Live Inn
    (C) Yes - Vocational Rehab and Voc. Ed.
    (D) Understanding needs of handicapped students.

17. (A) Most students receive regular diplomas, however, graduates of the EMH Work Study program get a Vocational Diploma.
    (B) Certificate on diploma awarding is based on completion of I.E.P.

18. (A) We program for deaf-blind and have capabilities of serving most severe or profoundly handicapped student by tuition or cooperative programming.

19. (A) Not directly by school but some has been arranged for through Weld County Community Center Foundation and Social Services.
    (B) Deaf and hard of hearing for language development. Trainable students.
    (C) No. This would have to be offered to all students if we did.
    (D) No.

20. Only when child has severe medical or physical problems.

Senator **Schweiker**. Now we call as our third panel Commissioner Gordon Ambach, State education department, Albany, N.Y., and the Honorable Robert Scanlon, secretary of education, Harrisburg, Pa.

I am going to ask, because I have a conflict at 11:30, Mr. Scanlon go first at this point.

I would like to introduce Bob.

Not only is he secretary of education for the State of Pennsylvania, but he is also a worker in the field of education, having been a teacher and a principal and, more recently, director of research for Better Schools of Philadelphia. I was glad to see his appointment as secretary of education in Pennsylvania, with his very great expertise.

So, Bob, if you would begin.

## STATEMENTS OF HON. ROBERT SCANLON, SECRETARY OF EDUCATION, HARRISBURG, PA.; AND COMMISSIONER GORDON N. AMBACH, STATE EDUCATION DEPARTMENT, ALBANY, N.Y.

Mr. **Scanlon**. Thank you very much.

I believe Commissioner Ambach is testifying upstairs. If someone notifies him, he will come down.

Senator **Schweiker**. Even the witnesses are having trouble between the conflicts.

Go ahead.

Mr. **Scanlon**. I think Public Law 94-142 is a commendable piece of Federal legislation. It does exhibit strong Federal leadership.

This morning, I would like to review with you three major points:

The first is the need for full funding; the second is specific changes, technical changes that need to be made in the law; and the third is the need to review other Federal legislation that relates to this and the need for the creation of a life treatment program.

As you know, Senator, in Pennsylvania, we have 237,000 exceptional students served every year in 14 different categories

Pennsylvania spends over $359 million for those 237,000 youngsters, of which $45 million is Federal; $260 million is State, and $53 million spent from revenue-sharing funds.

That is also why I think it needs to be pointed out that 48 percent of all the revenue-sharing dollars in Pennsylvania are dedicated to education of the handicapped.

I would also like to note, the 1980 State plan submitted by the department of education is the first plan approved by a major State.

In the testimony that I have provided for you, the first chart clearly indicates the 14 categories of exceptional students and the listing of number of youngsters served.

I also point out the second chart in that material which points out the appropriation levels that were set when the law was initially passed. As you know, there is a national average used in calculating the percentage of dollars allocated on a national basis. We have indicated Pennsylvania's shares.

The failure to fund fully this act has created, I think, serious problems for all of us.

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First of all, school personnel, children, and their parents have been misled as to the level of services. Expectations have been raised, needs identified, but Federal dollars are not forthcoming.

Second, the child find efforts will be difficult to continue, since school districts will be reluctant to identify children who need services when funds for those services are inadequate or nonexistent.

Third, expansion of programs for underserved will be difficult. And personnel development efforts will be severely hampered. Our provision of related services will be limited.

And, finally, expansion of services to public and nonpublic schools creates a real problem.

Because of this, I would like to make several recommendations concerning the funding problem.

First of all, fully fund the legislation. It is important that adequate funds be appropriated so that States will be able to meet the Federal requirements. Inadequate funding indicates that there is only Federal policy on serving handicapped children—not Federal support. We need to put our money where our priorities are; we need to put dollars behind our words.

Second, amend the statute to support States making timely and substantial use of Public Law 94-142 funds, if full funding is not possible.

It is important to recognize that States like Pennsylvania, which are implementing the law, are penalized by their wholehearted efforts.

Appropriation levels are reduced if significant amounts of funds are carried over. States which have indicated their commitment by fully spending the appropriated funds should not be penalized by the underspending of other States.

The reallocation of funds after 12 months should be authorized if a State has not used its respective funds. As you know, States currently have 27 months to use appropriated funds. This authorization would avoid the possibility of 1978-79 funds lapsing to the Treasury by act 1980.

Third, I recommend decreasing the requirements in the legislation, if full funding is not possible. This would permit States to implement services in proportion to available funding. Such services may include preschool programs and central support services for psychological staff and IEP development.

I would like to review for you four specific technical changes that I think can and should be made that would strengthen the law.

The first deals with related services programs.

The definition of related services is quite vague. It requires provision of those services which may be required "to assist a handicapped child to benefit from special education." Because, arguably, almost any social, therapeutic, diagnostic, or developmental service could be of assistance to handicapped children, the current definition of related services gives little guidance to LEA's as to either the level or type of service required.

Now, the definition could best be changed to "those services, ancillary to the instructional program, which are necessary for a child to benefit from special education."

This would limit the type of services to be provided and indicate a minimum level of mandated service. Then the current related services definition should be used to indicate the maximum level of nonmandated services that could be funded by Public Law 94-142. Fundable maximum and minimum levels of related services need to be established. This change would do just that.

And, third, because the current definition of "related services" is so broad, problems exist in terms of the scope of services to be provided.

The definition seems to blur the distinction between treatment and educational services. To some, the definition of related services includes intensive psychotherapy, chemotherapy, nursing services, and other treatment services.

Others argue that physical and occupational therapies must be provided as related services if they have any corrective effect whatsoever on the child in question, even if these services are not directly related to the child's classroom program.

I do not believe that Congress intended related services to be used this way; but this is how some are reading the law. Consequently, the related services definition and the way it has been interpreted have had a threefold effect on the public school system, an effect which I believe Congress did not also contemplate or intend.

By making it appear that public schools are responsible for treatment as well as education, the act has taxed the very limited resources that school districts have, for example, in the way of physical and occupational therapists.

Such therapists are now being asked to provide more intensive services for a greater number of minimally handicapped students.

Second, this provision has created an expectation that the public schools now must provide services, such as psychotherapy and catheterization, that are both well beyond their expertise and traditional roles and more properly within the province of a medical-model health treatment system.

Finally, because school districts do not have either the resources or the State legal mandate to provide treatment type services, they are made to rely upon State welfare and health agencies to provide such services.

Because, in turn, these other State agencies operate under a separate statutory and administrative scheme, the public schools and the SEA are left with virtually no say as to how, when, or to whom treatment services are given.

The public schools also have no control over whether the parents must by State law be charged by the health or welfare agency for the treatment. The public schools, as well as the SEA, are consequently being blamed when therapeutic treatment services are neither available, appropriate, nor free.

So I ask you to:

One, consider requiring that SEA's and LEA's must provide only those services which the public schools are empowered to provide under existing State law;

Two, assign full funding and responsibility for those therapeutic and corrective services that Congress deems necessary, in order to ameliorate handicapping conditions in children, to those State agencies that already are authorized under State law to provide such services;

Three, remove the related services requirement entirely. The effect of this would be to leave in the hands of the local public schools the decision as to what additional services they have the resources and ability to provide. Most diagnostic and testing services would still be provided despite this amendment since such services are necessary for IEP development.

There is an important court case in Pennsylvania which points out some of the problems of this provision of the act. It deals with the extended school year problem.

The *Armstrong* v. *Kline* court ruling holds that education services provided by the State under Public Law 94-142 cannot be limited to the 180-day regular school year or regular school week. Such services must be directed to guaranteeing the maximization of the learning potential of handicapped children who regress during the summer months or weekends.

We are appealing this case because the decision appears to be beyond the intent of Public Law 94-142 and places the unprecedented responsibility on the public schools to provide year 'round services and, indeed, to guarantee the success of these services.

*Armstrong* v. *Kline,* if upheld, has the potential for radically expanding the school year for all handicapped schoolchildren and the responsibilities of the public school system.

The case creates a very grave situation for us.

States are currently straining to generate enough money to provide education and related services during the conventional school year. Requiring LEA's to operate year 'round programs will only exacerbate the situation.

The logic of the *Armstrong* court is that because Public Law 94-142 does not specifically recognize the conventional school year as the framework in which special education shall be provided, the SEA must make year 'round and weekend programs available. The court's unique reasoning could likewise be applied to the traditional schoolday. If LEA's are required to make available programs and services beyond the normal schoolday, all control of costs will be lost.

The court also held that Public Law 94-142 requires the public schools to guarantee that students will not regress in learning or behavior during periods of noninstruction, regardless of home environment, past program or the health of the child.

For seriously disturbed and severely retarded children, this means that the public schools will have to provide year 'round residential, custodial care placements for children who act up at home and then cannot be controlled in school. The *Armstrong* court ordered three such placements.

The Department of Education recognizes that such children have significant needs due to their behavioral and emotional problems. Such autistic-like and psychotic children need mental health care rather than simply more education. It is ridiculous to ask the public schools to become total caregivers to these children in the name of preventing behavioral regression when the problems of these children stem chiefly from psychological, physiological, and home environment factors rather than mere learning problems.

In any event, it has been argued that Congress, by enacting Public Law 94-142, intended the public schools to become a total-care system for the handicapped, to prevent regression while a child is out of school, and to guarantee each child's behavioral progress under all circumstances.

Congress must now either tell us that these were not its intentions or else provide the funding necessary to reach these goals. Our own estimates are that the *Armstrong* decision, for example, may end up costing the Pennsylvania Department of Education between $200 million and $500 million a year.

I must also point out the fallout effect of the *Armstrong* court's interpretation of Public Law 94-142 on other areas of education.

Many educators believe Public Law 94-142's intent was to provide educational access and opportunities to the handicapped equal to that of the nonhandicapped. The *Armstrong* interpretation of Public Law 94-142 has, ironically, brought requests from parents of many regular education, vocational education, and gifted students for year 'round and summer education that such parents feel is being mandated only for the handicapped. Thus, the cost impact of *Armstrong*, if the decision stands, will not be on special education alone.

We are figuring somewhere between $131 million and $500 million additional to take care of this act.

Finally, I want to point out that if the *Armstrong* interpretation of Public Law 94-142 ends up costing my State substantially more than the Public Law 94-142 funds we receive, we will have no choice but to return your money.

Our State legislature, which has already appropriated the third highest State allocation for special education in the Nation, will not stand for much more.

Specifically, I ask you to clarify the law by:

One, indicating that although States are permitted to operate programs beyond the regular school year, in no way are they required to provide programs beyond their State-mandated school year, school week, or schoolday; and

Two, establishing the fact that while Public Law 94-142 was intended both to assure the access of the handicapped to the educational system, to set a system where instruction could be individualized to meet each child's learning deficits, and to establish procedural safeguards, it was not intended to mandate any specific end result such as maximization of potential or prevention of regression. These results remain an ideal of education and are sure to raise expectations to unreachable levels as well as generate utilization when such results are not achieved.

The third technical change deals with the individualized education plan. And I have to tell you, I have been visiting the schools 2 days a week for the last 8 months, and I hear a lot of complaints.

In spite of Herculean efforts on behalf of the State department of education to streamline the IEP procedure and assist in their development, there is still much local dissatisfaction with the entire process.

The first complaint we always hear is that the IEP development process is too long. Teachers feel that the time taken away from instruction to prepare IEP is not worth the benefits derived from the document or process.

Second, the costs take funds away from direct instruction. There are the costs of overtime for teachers and substitutes.

Third, the requirement that IEP's be fully completed before a child is actually placed in the program causes an unreasonable delay. It also provides no opportunity for a child to become gradually accustomed to the program and teacher. And it denies the teacher any firsthand experience with the child upon which to base the IEP recommendations.

Finally, the requirement to have a representative from the school administration at each IEP conference places a burden upon building principals, guidance counselors, and other central office staff.

Therefore, I ask you to revise the law to:

First, allow school districts to prepare a written, proposed IEP which can be sent to parents for their review. If parents are satisfied, they can sign the IEP and return it. If not, they can request an IEP conference. The current HEW regulation requirement of an IEP conference with parents before the IEP is written is often a time-consuming and unnecessary step.

Second, amend the IEP content requirements to include only annual goals and not short-term objectives. Such objectives are difficult to write and require frequent revisions.

Third, allow school districts to prepare the IEP after the child has been placed in a program. This permits the teacher to establish more meaningful program recommendations for inclusion in the IEP.

And fourth, allow school districts to limit attendance at IEP conferences to the teacher and parents. Administrative staff should be involved only as necessary.

Regarding SEA Supervisory Responsibility, Public Law 94-142 designates the SEA as the sole State agency responsible for administering and supervising all special education programs for handicapped children.

A problem which arises from this imposition of sole administrative authority in the SEA is that it places the SEA in the position of guaranteeing services outside of the expertise and responsibility of the education system.

Specifically, it must supervise the provision of related services like physical therapy which are outside the scope of traditional education services. Modifying the related services provisions which I discussed would significantly alleviate this problem.

I am happy to report to you that our long-standing efforts to achieve oversight of all publicly funded education programs which involve the handicapped have progressed. However, such progress is the product both of efforts begun long before the enactment of Public Law 94-142 and of the willingness of independent State and local agencies to follow the lead of my department. It has been more through the power of persuasion that this task has been achieved than through any inherent legal authority in my office.

Specifically, I ask you to amend the current law, adding language that any recipient of funds for programs for school age children must accept the supervisory authority of the SEA over the special education aspects of the program.

Regarding life treatment programs, Public Law 94-142 is being viewed by the public as a vehicle for meeting the comprehensive needs of handicapped children and their families. Although there are many Federal statutes and regulations regarding the rights of handicapped persons and the services which should be provided to them, Public Law 94-142 is the only Federal program concerning the handicapped which mandates that all eligible handicapped children be served by the State regardless of the level of Federal appropriation.

It is also the only Federal program which requires delivery of both an individualized, substantive program and wide range of related services involving parents and children. This has created the perception that what has been established by Public Law 94-142 is a comprehensive delivery system for the handicapped. Although this is not the case, the perception persists and expectations have been raised.

My department recognizes that there is an entire population of seriously handicapped children whose needs extend beyond what the classroom and families of such children who require special support services can provide.

I am speaking of autistic, severely retarded, and seriously disturbed children, as well as all other children whose impairments have them in constant need of supervision, treatment, or habilitation. Their disabilities are such that it is doubtful that they will ever achieve full independence of parents or caregivers, even in adulthood.

They present significant emotional burdens to their families and are often disruptive to the home. It is unfortunate, and indeed tragic, that parents in many cases feel that the public schools are the only reliable mechanism by which these children can be served. But, as I have explained, it is a mechanism with serious programmatic and fiscal limitations.

What I would like to now propose is amending existing Federal legislation dealing with treatment and rehabilitation services for the handicapped. Specifically, I would like to ask that Public Law 94-602, the Developmentally Disabled Assistance Act, and Public Law 94-63, the Special Health Revenue Sharing Act of 1975, be amended to:

First, provide the families of handicapped children with counseling and parent training services, as needed;

Second, insure that handicapped school-age children are given first priority to funds available under these acts;

Third, require that local health and mental health agency service plans submitted to HEW be coordinated with the State's Public Law 94-142 service plan;

Fourth, require that recipient agencies under these acts provide such therapeutic treatment, corrective, and health services as the public schools cannot provide and as may be required in each child's IEP;

Fifth, require recipient agencies to provide and supervise such residential child care services as a child may need ancillary to his or her instructional program.

Finally, I ask that these acts be amended to require the recipients to develop life treatment plans for those children who, after completing their school years, will be unable to live in the community without substantial supportive services.

In the alternative, I ask that a new act be adopted which incorporates all of these provisions, to be administered by the Bureau for the Education of the Handicapped, and which will insure that all services for the handicapped and their families are provided in a coherent and complete manner.

I believe that these amendments will supplement Public Law 94-142 so that a full delivery educational and treatment system is established for seriously handicapped children and their families.

In closing, I sincerely wish to express our willingness to assist the committee. My staff and I are prepared to help you to assess Federal policy on handicapped children. Our commitment to the education of handicapped children has been long standing. Our efforts have been supplemented by Public Law 94-142.

Our experience with State law and Public Law 94-142 has resulted in the development of effective and efficient delivery systems for children and we are anxious to share our insight. We believe each person should have the opportunity to realize his or her potential and to become a contributing member of our society.

Senator STAFFORD [presiding]. Thank you very much, Mr. Scanlon, for your excellent testimony.

We apologize to you that we are playing musical chairs in several different committees at once this morning. That seems to be the way things go here.

If it is agreeable to you, questions that occur to us will be submitted to you in writing and you can respond to us in writing.

Mr. SCANLON. Sure.

[The prepared statement and additional material supplied by Mr. Scanlon follows:]

# Testimony On Education For All Handicapped Children Act (P.L. 94-142)

# Before United States Senate Subcommittee On The Handicapped

## October 3, 1979

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By
Robert G. Scanlon
Secretary Of Education
Commonwealth Of Pennsylvania

94-142 Testimony

Senator Randolph, distinguished members of the Subcommittee, ladies and gentlemen:

I am pleased to have this opportunity to share with you some of the major issues regarding Public Law 94-142, the Education of All Handicapped Children Act.

This Act is a commendable federal commitment to support state efforts in special education. It exhibits strong federal leadership. It recognizes a child's right to a free appropriate education with procedural safeguards. It recognizes the importance of involving parents in their children's educational program.

The major point I want to emphasize today is that the mandate, in its current form, to administer education programs to all handicapped children depends on full federal appropriation of funds. I know you understand the burden to the state in complying with a law that is inadequately funded. I know you share our concern that the states continue to implement P.L. 94-142.

Let me set the stage for my comments and recommendations by providing you with information on our situation in Pennsylvania.

Over the past several years, we have made great strides in providing handicapped children with quality special education programs appropriate to their needs. The major thrust of P.L. 94-142, namely appropriate placement of handicapped children with procedural protections, had been mandated by Pennsylvania law for several years. It was in this context that the decision was made to accept the mandates and to implement P.L. 94-142 in Pennsylvania. I can assure you we did not accept the mandate lightly. To illustrate our commitment, I can cite you several items:

- Pennsylvania does spend dollars--$36.7 million this year--the same year it receives the dollars while other states have carried their allocations over from one year to another.
- Our 1980 State Plan was the first plan of the major states to be approved. We have already allocated dollars to LEAs which are spending the money. Only seven states have approved 1980 plans. About seven states have still not had their 1979 plan approved.

Since 1975, we have served almost a million children. These have ranged from the educable, trainable and severely mentally retarded to the gifted. This year alone we are serving 237,903 children in 14 categories of exceptionality. Chart 1 provides a specific breakdown of Pennsylvania students served by special education programs.

## CHART 1
## PENNSYLVANIA STUDENTS SERVED BY SPECIAL ED PROGRAMS

| Exceptionality | 1975-76 | 1976-77 | 1977-78 | 1978-79 |
|---|---|---|---|---|
| Educable Mentally Retarded | 38,823 | 37,046 | 35,436 | 33,005 |
| Trainable Mentally Retarded | 8,343 | 8,484 | 9,054 | 7,671 |
| Severely and Profoundly Mentally Retarded | 3,708 | 3,492 | 3,583 | 3,502 |
| Socially and Emotionally Disturbed | 7,763 | 8,377 | 8,863 | 8,947 |
| Physically Handicapped | 3,011 | 3,174 | 3,007 | 2,746 |
| Brain Injured | 5,913 | 6,211 | 5,132 | 4,245 |
| Learning Disabled | 15,458 | 19,879 | 23,671 | 25,557 |
| Hearing Impaired | 4,766 | 4,798 | 4,710 | 5,122 |
| Visually Impaired | 3,320 | 3,211 | 3,016 | 2,867 |
| Speech and Language Impaired | 93,450 | 93,412 | 80,698 | 82,008 |
| Gifted/Talented | 20,332 | 27,526 | 42,637 | 50,762 |
| Multihandicapped | 2,119 | 1,919 | 1,587 | 372 |
| Mixed Categories | 2,239 | 1,799 | 4,964 | 8,379 |
| Detention | 3,262 | 4,240 | 3,544 | 2,725* |
| TOTAL | 212,907 | 223,568 | 228,902 | 237,908 |

*Delete from percentages

| | | |
|---|---|---|
| Percentage of school population (235,000 ÷ 2,300,000) | 10.22 | |
| Percentage of eligible population (235,000 ÷ 275,000) | 85.45 | (Eligible population based on national incidence rates) |
| Percentage served by intermediate units | 62.00 | |
| Percentage served by districts | 35.00 | |
| Percentage served by private schools | 3.00 | |

Let me share with you some ways to help states meet their responsibilities under the Act. But let me say at the onset that only full funding can allow us to validly evaluate the provisions of this law.

The concerns I want to talk with you about today include the need for full funding, technical changes I believe are needed to help states meet their responsibilities and some new thinking about life treatment programs.

## FUNDING

As you know, the statute provides a formula for allocating funds to the states based on an escalating percentage of the average per pupil expenditure for elementary and secondary schools in the states. Chart 2 provides basic figures on authorization and appropriation levels for all states and specifically for Pennsylvania.

### CHART 2
### P.L. 94-142
### AUTHORIZATIONS V. APPROPRIATIONS

($ in millions)

| | 1977-78 | | 1978-79 | | 1979-80 | | 1980-81 | |
|---|---|---|---|---|---|---|---|---|
| | All States | Pennsylvania | All States | Pennsylvania | All States | Pennsylvania | All States | Pennsylvania |
| Authorization Amount | $ 315 | $ 13.8 | $ 564 | $ 26.3 | $1,200 | $ 54.0 (est.) | $ 2,320 | $ 104.4 (est.) |
| Appropriation Amount | 315 | 13.8 | 564 | 26.3 | 804 | 36.7 | 874 | 40.0 (est.) |
| Discrepancy Amount | 0 | 0 | 0 | 0 | 396 | 17.3 | 1,446 | 64.4 |

The percentage began at five percent for FY 1978 and had authorized increases of 10 percent for FY 1979; 20 percent for FY 1980; 30 percent for FY 1981; and 40 percent for FY 1982.

When the law was enacted, we were encouraged. It was the first time the Congress had exhibited such a strong interest in supporting the state's efforts to provide education to handicapped children. We were likewise encouraged when the law was fully funded in the first two years. It appeared that although the law contained strict mandates, the Congress was willing to support the mandates with increasing amounts of money.

Now, today I come to you less than encouraged. In Pennsylvania, with the under-funding of P.L. 94-142, we find ourselves in a difficult position. We find that the authorization levels have created false expectations for school personnel and handicapped children and their parents.

Yesterday, we encouraged LEAs to cooperate with the P.L. 94-142 mandates and pointed to the full funding in the first two years as proof that Congress was serious about serving handicapped children. Today, we find ourselves with an increase of approximately 7 percent for Pennsylvania's fiscal year 1980-81. This is drastically different from the increase which would have resulted from full funding. This increase will barely allow us to maintain the programs which we have established and will make it difficult to expand programs.

Failure to fund the law has resulted in many problems.

- School personnel, children and their parents have been mislead as to the level of services that were to be available under P.L. 94-142. Expectations have been raised, needs identified, but the promised federal dollars are not forthcoming.

- Child Find Efforts will be difficult to continue since school districts will be reluctant to identify children who need services when funds for those services are inadequate or non-existent.

- Expansion of Programs for Underserved will be difficult. For example, we are currently serving 10,891 socially and emotionally disturbed (SED) children whereas we estimate there may be as many as 39,300 SED children in Pennsylvania.

- Personnel development efforts will be severely hampered. This issue is of particular importance in preparing classroom teachers to provide the handicapped child an appropriate education in the least restrictive environment.

- Our provision of related services will be limited. These services create several administrative problems which I will discuss later.

- Expansion of services to the public and nonpublic schools will likewise be hampered. This is of paramount importance because we wish to continue improving the access of the nonpublic school children to programs and now find our efforts with lack of financial support.

Currently we are spending $359.4 million in our educational efforts for handicapped children--$45.3 million in federal funds, $260.5 million in state funds, and $53.6 million in revenue sharing monies. The revenue sharing monies going to special education comprise 48 percent of the total revenue sharing funds by Pennsylvania--$100,844,000. Chart 3 shows Pennsylvania's use of the EHA-B position of our federal funds.

## CHART 3
## P.L. 94-142
## PENNSYLVANIA'S USE OF EHA-B FUNDS

($ in millions)

| PROGRAMS AND SERVICES | 1977-78 | 1978-79 | 1979-80 |
|---|---|---|---|
| Preschool Programs | 5.802 | 6.318 | 7.368 |
| Maintain and Expand Programs and Services for LD and SED students |  | 12.652 | 16.329 |
| Other Activities<br>(To meet priority services detailed in State and LEA Plans for Federal Programs and Services, including Child Find, In-Service Training, IEP Planning, Personnel Development) | 7.308 | 5.024 | 6.850 |
| SEA Administrative Operations | .690 | .915 | 1.836 |
| Carryover | – | 1.391 | 4.332 |
| TOTAL ALLOCATION | 13.800 | 26.300 | 36.715 |

It is in this context that I make the following recommendations:

1. *Fully fund the legislation.*

*It is important that adequate funds be appropriated so that states will be able to meet the federal requirements. Inadequate funding indicates that there is only federal policy on serving handicapped children--not federal support. We need to put our money where our priorities are; we need to put dollars behind our words.*

2. *Amend the statute to support states making timely and substantial use of P.L. 94-142 funds, if full funding is not possible.*

*It is important to recognize that states, like Pennsylvania, which are implementing the law are penalized by their wholehearted efforts.*

*Appropriation levels are reduced if significant amounts of funds are carried over. States which have indicated their commitment by fully spending the appropriated funds should not be penalized by the underspending of other states. The reallocation of funds after 12 months should be authorized if a state has not used its respective funds. As you know, states currently have 27 months to use appropriated funds. This authorization would avoid the possibility of 1978-79 funds lapsing to the Treasury by Act 1980.*

*3. Decrease the requirements in the legislation, if full funding is not possible.*

*This would permit states to implement services in proportion to available funding. Such services may include preschool programs and central support services for psychological staff and IEP development.*

## TECHNICAL CHANGES

Let's turn our attention to the technical changes in the law. These are: the related services provision, the extended school year problem, the IEP mandate, and the responsibility of the State Education Agency (SEA).

### Related Services Provision

The definition of related services is quite vague. It requires provision of those services which may be required "to assist a handicapped child to benefit from special education." Because, arguably, almost any social, therapeutic, diagnostic, or developmental service could be of assistance to handicapped children, the current definition of related services gives little guidance to LEAs as to either the level or type of service required.

The definition could best be changed to "those services, ancillary to the instructional program, which are necessary for a child to benefit from special education." This would limit the type of services to be provided and indicate a minimum level of mandated service. Then the current related services definition should be used to indicate the maximum level of non-mandated services that could be funded by P.L. 94-142. Fundable maximum and minimum levels of related services need to be established--this change would do just that.

Because the current definition of related services is so broad, problems exist in terms of the scope of services to be provided. The definition seems to blur the distinction between treatment and educational services. To some, the definition of related services includes intensive psychotherapy, chemotherapy, nursing services, and other treatment services. Others argue that physical and occupational therapies must be provided as related services if they have any corrective effect whatsoever on the child in question, even if these services are not directly related to the child's classroom program. I do not believe that Congress intended related services to be used this way; but this is how some are reading the law. Consequently, the related services definition and the way it has been interpreted have had a three-fold effect on the public school system, an effect which I believe Congress did not also contemplate or intend.

By making it appear that public schools are responsible for treatment as well as education, the Act has taxed the very limited resources that school districts have, for example, in the way of physical and occupational therapists. Such therapists are now being asked to provide more intensive services for a greater number of minimally handicapped students.

Second, this provision has created an expectation that the public schools now must provide services, such as psychotherapy and catheterization, that are both well beyond their expertise and traditional roles and more properly within the province of a medical-model health treatment system.

Finally, because school districts do not have either the resources or the state legal mandate to provide "treatment" type services, they are made to rely upon state welfare and health agencies to provide such services. Because, in turn, these other state agencies operate under a separate statutory and administrative scheme, the public schools and the SEA are left with virtually no say as to how, when, or to whom treatment-type services are given. The public schools also have no control over whether the parents must by state law be charged by the health or welfare agency for the treatment. The public schools, as well as the SEA, are consequently being blamed when therapeutic treatment services are neither available, appropriate, nor free.

This is brutally unfair to an already overburdened public school system. It is doubly unfair to children, parents, and school districts and states when Congress fails to provide full funding for these services. I must therefore ask Congress to either reduce the demands it is placing upon the public schools or provide the money to meet those demands.

Specifically, I ask you to consider:

1. *State that the SEAs and LEAs must provide only those services which the public schools are empowered to provide under existing state law,*

*and*

2. *Assign full funding and responsibility for those therapeutic and corrective services that Congress deems necessary (in order to ameliorate handicapping conditions in children) to those state agencies that already are authorized under state law to provide such services,*

*or*

3. *Remove the related services requirements entirely. The effect of this would be to leave in the hands of the local public schools the decision as to what additional services they have the resources and ability to provide. Most diagnostic and testing services would still be provided despite this amendment since such services are necessary for IEP development.*

There is an important court case in Pennsylvania which points out some of the problems of this provision of the Act.

Extended School Year Problem

The Armstrong v. Kline court ruling holds that education services provided by the state under P.L. 94-142 cannot be limited to the 180-day regular school year or regular school week. Such services must be directed to guaranteeing the maximization of the learning potential of handicapped children who regress during the summer months or weekends.

We are appealing this case because the decision appears to be beyond the intent of P.L. 94-142 and places the unprecedented responsibility on the public schools to provide year round services and, indeed, to guarantee the success of these services. Armstrong v. Kline, if upheld, has the potential for radically expanding the school year for all handicapped school children and the responsibilities of the public school system.

The case creates a very grave situation for us.

States are currently straining to generate enough money to provide education and related services during the conventional school year. Requiring LEAs to operate year-round programs will only exacerbate the situation.

The logic of the Armstrong court is that because P.L. 94-142 does not specifically recognize the conventional school year as the framework in which special education shall be provided, the SEA must make year-round and weekend programs available. The Court's unique reasoning could likewise be applied to the traditional school day. If LEAs are required to make available programs and services beyond the normal school day, all control of costs will be lost.

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The Department of Education recognizes that such children have significant needs due to their behavioral and emotional problems. Such autistic-like and psychotic children need mental health care rather than simply more education. It is ridiculous to ask the public schools to become total caregivers to these children in the name of preventing behavioral regression when the problems of these children stem chiefly from psychological, physiological, and home environment factors rather than mere learning problems.

In any event, it has been argued that Congress by enacting P.L. 94-142 intended the public schools to become a total care system for the handicapped, to prevent regression while a child is out of school, and to guarantee each child's behavioral progress under all circumstances. Congress must now either tell us that these were not its intentions or else provide the funding necessary to reach these goals. Our own estimates are that the Armstrong decision, for example, may end up costing the Pennsylvania Department of Education between $200 million and $500 million a year. Chart 4 shows the potential cost impact of the extended year decision.

## CHART 4

## ARMSTRONG V. KLINE

(Extended School Year Decision Based Solely on P.L. 94-142)

POTENTIAL COST IMPACT

| EXCEPTIONALITY | ANNUAL PUPIL COST[b] | DAILY RATE | ADDED COST[c] | EFT PUPILS[d] | TOTAL COST |
|---|---|---|---|---|---|
| Severely and Profoundly Mentally Retarded [a] | $ 6,152 | $34 | $1,870 | 3,537 | $ 6,614,190 |
| Trainable Mentally Retarded [a] | 5,386 | 30 | 1,650 | 7,779 | 12,835,350 |
| Socially and Emotionally Disturbed [a] | 6,533 | 36 | 1,980 | 7,335 | 14,523,300 |
| Brain Damaged [a] | 4,012 | 22 | 1,210 | 4,064 | 4,917,440 |
| Educable Mentally Retarded | 3,470 | 19 | 1,045 | 29,968 | 31,316,560 |
| Physically Handicapped | 7,200 | 40 | 2,200 | 2,234 | 4,914,800 |
| Learning Disabled | 5,474 | 30 | 1,650 | 12,116 | 19,991,400 |
| Visually Impaired | 9,646 | 54 | 2,970 | 1,328 | 3,944,160 |
| Hearing Impaired | 8,390 | 47 | 2,585 | 2,552 | 6,996,920 |
| Speech and Language Impaired | 11,407 | 63 | 3,465 | 3,221 | 11,160,765 |
| Gifted/Talented | 4,991 | 28 | 1,540 | 8,632 | 13,293,280 |
| Detention | 4,242 | 24 | 1,320 | 1,098 | 1,449,360 |
| Total/Average | $ 6,409 | $36 | $1,589 | 83,864 | $131,557,525 |

a – exceptionalities with highest potential for extended school year eligibility (potential cost $39 million)

b – BASED upon 9 Month (180 Day School Year)

c – BASED upon 55 Additional Days X Daily Rate

d – EFT means Equivalent Full-Time Students

I must also point out the fall-out effect of the Armstrong court's interpretation of P.L. 94-142 on other areas of education. Many educators believe P.L. 94-142's intent was to provide educational access and opportunities to the handicapped equal to that of the non-handicapped. The Armstrong interpretation of P.L. 94-142 has, ironically, brought requests from parents of many regular education, vocational education, and gifted students for year-round and summer education that such parents feel is being mandated only for the handicapped. Thus, the cost impact of Armstrong, if the decision stands, will not be on special education alone.

There are other problems raised by the Armstrong interpretation of P.L. 94-142. How, for example, do we reconcile the mandate for year-round instruction and the concommitant needs for year-round classrooms and transportation with the national energy conservation policy? Should states with compulsory attendance statutes require parents of the handicapped to send their children to school on a year-round basis? What are the parents' rights in this situation? If the Armstrong court is correct in saying that public schools under P.L. 94-142 are mandated to prevent regression and maximize potential, what effect will this have on the issue of educational malpractice? If funds are insufficient for year-round special education for all the handicapped, how are priorities to be set?

Finally, I want to point out that if the Armstrong interpretation of P.L. 94-142 ends up costing my state substantially more than the P.L. 94-142 funds we receive, we will have no choice but to return your money. Our state legislature, which has already appropriated the third highest state allocation for special education in the nation, will not stand for much more.

Specifically, I ask you to clarify the law by:

1. *indicating that although states are permitted to operate programs beyond the regular school year, in no way are they required to provide programs beyond their state mandated school year, school week, or school day,*

and

2. *establishing the fact that while P.L. 94-142 was intended both to assure the access of the handicapped to the educational system, to set a system where instruction could be individualized to meet each child's learning deficits, and to establish procedural safeguards, it was not intended to mandate any specific end result such as maximization of potential or prevention of regression. These results remain an ideal of education and are sure to raise expectations to unreachable levels as well as generate utilization when such results are not achieved.*

Individualized Education Plan

In spite of Herculean efforts on behalf of the state Department of Education to streamline the IEP procedure and assist in their development, there is still much local dissatisfaction with the entire process.

The first complaint we always hear is that the IEP development process is too long. Teachers feel the time taken away from instruction to prepare the IEP is not worth the benefits derived from the document or process.

Second, the costs take funds away from direct instruction. There are the costs of overtime for teachers and substitutes.

Third, the requirement that IEPs be fully completed before a child is actually placed in the program causes an unreasonable delay. It also provides no opportunity for a child to become gradually accustomed to the program and teacher. And, it denies the teacher any first-hand experience with the child upon which to base the IEP recommendations.

Finally, the requirement to have a representative from the school administration at each IEP conference places a burden upon building principals, guidance counselors, and other central office staff.

Specifically, I ask you to revise the law to:

1. *Allow school districts to prepare a written, proposed IEP which can be sent to parents for their review. If parents are satisfied, they can sign the IEP and return it. If not, they can request an IEP conference. The current HEW regulation requirement of an IEP conference with parents before the IEP is written is often a time consuming and unnecessary step.*
2. *Amend the IEP content requirements to include only annual goals and not short term objectives. Such objectives are difficult to write and require frequent revisions.*
3. *Allow school districts to prepare the IEP after the child has been placed in a program. This permits the teacher to establish more meaningful program recommendations for inclusion in the IEP.*
4. *Allow school districts to limit attendance at IEP conferences to the teacher and parents. Administrative staff should be involved only as necessary.*

## SEA Supervisory Responsibility

P.L. 94-142 designates the SEA as the sole state agency responsible for administering and supervising all special education programs for handicapped children.

A problem which arises from this imposition of sole administrative authority in the SEA is that it places the SEA in the position of guaranteeing services outside of the expertise and responsibility of the education system. Specifically, it must supervise the provision of related services like physical therapy which are outside the scope of traditional education services. Modifying the related services provisions which I will discuss next would significantly alleviate this problem.

I am happy to report to you that our longstanding efforts to achieve oversight of all publicly funded education programs which involve the handicapped have progressed. However, such progress is the product both of efforts begun long before the enactment of P.L. 94-142 and of the willingness of independent state and local agencies to follow the lead of my department. It has been more through the power of persuasion that this task has been achieved than through any inherent legal authority in my office.

Specifically, I ask you to amend the current law, adding language that any recipient of funds for programs for school age children must accept the supervisory authority of the SEA over the special education aspects of the program.

## LIFE TREATMENT PROGRAMS

P.L. 94-142 is being viewed by the public as a vehicle for meeting the comprehensive needs of handicapped children and their families.

Although there are many federal statutes and regulations regarding the rights of handicapped persons and the services which should be provided to them, P.L. 94-142 is the only federal program concerning the handicapped which mandates that all eligible handicapped children be served by the state regardless of the level of federal appropriation. It is also the only federal program which requires delivery of both an individualized, substantive program and wide range of related services involving parents and children. This has created the perception that what has been established by P.L. 94-142 is a comprehensive delivery system for the handicapped. Although this is not the case, the perception persists and expectations have been raised.

My department recognizes that there is an entire population of seriously handicapped children whose needs extend beyond what the classroom and families of such children who require special support services can provide. I am speaking of autistic, severely retarded, and seriously disturbed children as well as all other children whose impairments leave them in constant need of supervision, treatment, or habilitation. Their disabilities are such that it is doubtful that they will ever achieve full independence of parents or caregivers, even in adulthood. They present significant emotional burdens to their families and are often disruptive to the home. It is unfortunate, and indeed tragic, that parents in many cases feel that the public schools are the only reliable mechanism by which these children can be served. But, as I have explained, it is a mechanism with serious programmatic and fiscal limitations.

What I would like to now propose is amending existing federal legislation dealing with treatment and habilitation services for the handicapped. Specifically, I would like to ask that P.L. 94-103 (the Developmentally Disabled Assistance Act) and P.L. 94-63 (the Special Health Revenue Sharing Act of 1975) be amended to:

1. *provide the families of handicapped children with counselling and parent training services as needed;*
2. *ensure that handicapped school-age children are given first priority to funds available under these acts;*
3. *require that local health and mental health agency service plans submitted to HEW be coordinated with the state's P.L. 94-142 service plan;*
4. *require that recipient agencies under these acts provide such therapeutic, treatment, corrective, and health services as the public schools cannot provide and as may be required in each child's IEP;*
5. *require recipient agencies to provide and supervise such residential child care services as a child may need ancillary to his or her instructional program.*

Finally, I ask that these Acts be amended to require the recipients to develop life treatment plans for those children who, after completing their school years, will be unable to live in the community without substantial supportive services.

In the alternative, I ask that a new Act be adopted which incorporates all of these provisions, to be administered by the Bureau for the Education of the Handicapped, and which will ensure that all services for the handicapped and their families are provided in a coherent and complete manner.

I believe that these amendments will supplement P.L. 94-142 so that a full delivery educational and treatment system is established for seriously handicapped children and their families.

In closing, I sincerely wish to express our willingness to assist the committee. My staff and I are prepared to help you to assess federal policy on handicapped children. Our commitment to the education of handicapped has been long-standing. Our efforts have been supplemented by P.L. 94-142. Our experience with state law and P.L. 94-142 has resulted in the development of effective and efficient delivery systems for children and we are anxious to share our insight. We believe each person should have the opportunity to realize his or her potential and to become a contributing member of our society.

# RESPONSES TO CONGRESSIONAL QUESTIONS REGARDING IMPLEMENTATION OF P. L. 94-142

## BY PENNSYLVANIA DEPARTMENT OF EDUCATION

DECEMBER 1979

Number 1

Question:

Have you experienced funding delays? How much time elapsed between submission of your APP (Annual Program Plan) and its approval? What were the reasons given for the delays?

Response:

As a state we have worked hard to submit the APP as early as possible so funding for each year would be available July 1. Although funding delays have occurred in the past due to changes Pennsylvania needed to make in such things as its State Board Regulations, this did not occur this year. The most important change that should help eliminate funding delays is early dissemination of guidelines for plan submission.

Number 2

Question:

Break down your P.L. 94-142 dollars in terms of the following services:

(a) Related services. (Please list the related services that are offered and the cost per year of each.)

(b) Direct services.

Response:

Related services, per se, have not been defined. Such as have been indicated in Section 121.13 are integral to the educational delivery system or are not being identified as provided. Our response, therefore, is limited to estimates of such costs as may be related to transportation and early identification.

| | | |
|---|---|---|
| (a) | Related Services | $1,000,000 |
| (b) | Direct Services | $30,000,000 |

Number 3

Question:

Do you provide year-round education for those handicapped children, for whom it has been determined there exists the need for continuous educational services?

Response:

In accordance with the Armstrong v. Kline decision, the Department of Education has notified all hearing officers that the mandated 180 day school year for school age children of Pennsylvania is not to be a condition of hearing decisions. This information is given statewide. In accordance with the court order in the Armstrong case the extended school year is contemplated for the severely handicapped.

Number 4

Question:

What percentage of your state's total handicapped student population are placed in residential or private schools and receive funds under P.L. 94-142?

Response:

None. Response assumes question is directed to schools wherein the SEA has assigned students.

Question:

List the types of handicapped conditions served by such private or residential facilities?

Response:

The SEA makes educational assignment of certain exceptional children to approved private schools with handicaps of blind, deaf, cerebral palsy, muscular dystrophy, brain damage, emotional disturbance or mental retardation.

Question:

What is the total cost per year of providing services to the handicapped children in the private facilities?

Response:

The SEA/LEA shares costs of tuitions and maintenance of students assigned to approved private schools at an estimated annual cost of $43 million, including transportation.

Number 5

What are the options and approaches utilized by your state educational agency in implementing the "least restrictive environment" (LRE) provision mandated by P.L. 94-142?

Response:

In July of 1975 the State Board of Education promulgated regulations which governed the operation of all special education programs in Pennsylvania. In those regulations, the stage was set for the implementation and monitoring of least restrictive environment and mainstreaming. Section 13.11 Part (d) describes a continuum of service model delivery, which is the framework for least restrictive environment. That section reads "the following priority order of educational placement for handicapped school-aged persons shall be followed except where a deviation is needed to meet the appropriate needs of the person or the purpose of the regulations.

(1) A regular class in a regular school with supporting services.

(2) A school district special education program in a regular school; including homebound instruction.

(3) A school district special education program in a special facility.

(4) An intermediate unit program in a regular school.

(5) An intermediate unit program in a special facility.

(6) An approved private school program.

(7) A state school program.

(8) An approved out-of-state program. . .

(9) An intermediate unit program of instruction in the home.

Mainstreaming is viewed as part of the continuum of programs and is described in the same set of Regulations. In essence mainstreaming is the #1 priority listed above. The following is Section 13.9 of the Regulations, "(a) Intermediate units and school districts shall mainstream those exceptional persons who can profit by an appropriate program of education and/or training in a regular class. (b) If mainstreaming is recommended, specific supportive services, including staff orientation, necessary for appropriate education and/or training of persons placed in the mainstream, shall be provided in accordance with the nature of the placement."

Prior to the issuance of regulations governing P.L. 94-142, the issues of LRE and mainstreaming were dealt with on an ongoing basis through program specialists in the Bureau of Special Education.

In April 1978, the Bureau of Special Education made a commitment to provide more leadership in the area of LRE. To meet this commitment, a statewide coordinator for LRE was appointed. The task of the LRE coordinator was to provide technical assistance to local education agencies and to work with those local education agencies who were not in compliance with the LRE requirements.

In June 1978 the policies of the Department of Education were issued via a memo (attached). All LEAs were directed to develop a plan that would show compliance to the regulations.

A statewide data collection effort has been in operation for the last three years. This data was computerized which allowed the coordinator to focus on the LEAs that were most in need of help. An evaluation process has been implemented and to date five IUs and their member districts have been visited by LRE Advisory Teams. The results of the visits are a report which outlines the required steps for compliance.

The requirements are that all handicapped children are provided a program and placement according to their individual needs, not on what is available. In addition, all handicapped children must have the opportunity to be educated with their nonhandicapped chronological aged peers to the maximum extent appropriate.

Question:

To what extent might one of the options, "mainstreaming" be used in your state?

Response:

Mainstreaming is used quite extensively for mildly handicapped children in Pennsylvania. Those handicapped children who can benefit from a program of mainstreaming are given that opportunity. It is usually the first alternative looked at.

Number 6

Question:

What current emphasis is being placed on programming for students at the secondary level?

Response:

See attached Special Education Programs and Services 1977-78 Booklet.

Number 7

Question:

Has there been a cooperative effort with other agencies to facilitate the handicapped student's transition into the labor market?

Response:

The transition of the handicapped students from the school system into the labor market has mainly been a local effort. The state agencies emphasize and strongly support all efforts related to employment of the handicapped. Whenever possible the Department of Education joins in those efforts, either by support for or initiation of activities through the various bureaus or offices of the department or other department of the state.

Number 8

Question:

Would you favor an extension of the ages you are mandated to serve to include those children from 0 to 21?

Response:

Yes. However, this mandate should be a state not a federal mandate.

Number 9

Question:

How many due process hearings were held at the state level? What were the main issues? How many were resolved in favor of the child's advocate? Were any appealed in a civil action suit brought in either a State or U.S. District Court?

Response:

287 hearings have been held since September of 1975. Of those held, 101 have been appealed to the Secretary of Education. 12 were further appealed to State Court and 3 on to Federal Court.

The most prevalent issues addressed were:

1. Placement in approved private schools vs public school placement.
2. Classification of the exceptional child.
3. Related services required to make the special education program appropriate.

Each decision resulted in an appropriate program often developed from evidence presented by the LEA and the child's advocate; it is therefore impossible to give a box score for wins and losses.

Number 10

Question:

Have you worked out any interagency agreement between various agencies at the state level for a sharing of responsibility as service providers?

Reponse:

Interagency agreements have been completed. Some type of agreement exists betwen the Departments of Labor and Industry, Health, and Public Welfare, as well as between various bureaus or offices within those departments and the SEA.

Question:

Which agencies do you see as a priority focus in working out an interagency agreement?

Response:

Those listed above are the priority focus.

Question:

What are the major administrative financial problems in working out interagency agreements? If you have had success in this area, to what primary factors do you attribute your success?

Response:

All departments are complex administrative entities governed by various state and local laws and regulations. The reasons for agreements between bureaus or offices are attempts to reduce confusion of the general public concerning responsibilities of the agencies and the legal authority for action. Financially, the Department of Education has a constitutional and a legal mandate to provide a free appropriate public education. Legislation from other service agencies is usually based on an entitlement and eligibility basis. Provisions of such conditions in law makes the services limited, permissive, and available according to a "waiting list" approach. Financial problems in such a diverse system are self-evident. Not all clients are entitled nor eligible nor do resources cover demands for "services" or "related services."

Number 11

Question:

What conflicts are there between federal and state laws and regulations regarding the education of handicapped children?

Response:

In Pennsylvania, according to advisory opinions, conflicts do not exist.

Question:

Has there been any attempt with the state legislature to resolve those conflicts?

Response:

State legislation has been enacted to resolve any conflicts. These changes, basically, preceded P.L. 94-142.

Number 12

Question:

What program and procedures have been devised to bring your resource-deficient areas into compliance?

Response:

No specific programs or procedures have been devised on a statewide basis to bring resource-deficient areas in compliance. Deficits in programs have occurred more in specific geographic areas in the state and as such have come under local initiative for remedies. The availability of physical therapy in rural areas has been and continues to be a problem. Some rural areas have been able to provide physical therapy by placing individual therapists on a contract to provide small portions of their needs where a full time therapist could not be hired to work full time.

Number 13

Question:

What percentage of special education teachers in the rural LEAs are licensed in special education by the state? What are your state requirements for a license in special education?

Response:

All teachers must be certified to teach in Pennsylvania. Certification is granted by the state education agency when a college or university who has a program approved by the state recommends certification. These programs are approved on a five year cycle. Areas of certification are mentally and/or physically handicapped, hearing impaired, speech correction, and visually impaired.

Number 14

What do you perceive as the primary responsibility of the State Advisory Panel?

Response:

The primary responsibilities of Pennsylvania's Advisory Panel for Special Education are as follows:

a) to advise the Pennsylvania Department of Education on unmet needs in the education of exceptional persons;

b) to comment publicly on:

   1) Pennsylvania's Annual Program Plan for Special Education

   2) Rules or regulations regarding the education of exceptional persons

   3) Procedures for the distribution of funds for special education

c) to assist the Pennsylvania Department of Education in evaluating programs and gathering information for the United States Commissioner of Education.

Question:

What is the total number of panel members and the represented expertise reflected in the membership?

Response:

There are currently 15 members of Pennsylvania's Advisory Panel for Special Education, and their expertise is reflected by the following representation:

2 Handicapped Persons
3 Teachers of Handicapped Persons
1 Teacher of Gifted Children
3 Parents of Exceptional Children
2 Local Educational Officials
2 Special Education Administrators
2 Professors of Special Education at Institutions of Higher Education
1 Director of a Learning Center at a Nonpublic School
1 Representative of a Professional Education Association

The representation listed above totals more than 15 individuals because certain members of the Advisory Panel possess the necessary qualifications to represent more than one of the groups required by Public Law 94-142 and the attendant regulations.

Number 15

Question:

To what extent are your correctional institutions complying with the mandates of P.L. 94-142?

Response:

Reports of noncompliance are not a matter of current records. In other words, persons of school age who are handicapped or thought to be handicapped are being provided a free appropriate public education of special education, where required, in correctional institutions.

Question:

Does the state Department of Education have an agreement with the state Department of Corrections regarding the P.L. 94-142 mandate?

Response:

No written agreement exists with reference to the handicapped.

Question:

Are there open lines of communication between the two?

Response:

Yes. As in most things, improvement is always in order.

Question:

Are adult as well as juvenile correctional institutions aware of special education programs of P.L. 94-142?

Response:

Efforts for public awareness continue statewide in accordance with the annual program plan. Renewed efforts may be in order to assure that the information is available to all parties responsible for adult and juvenile correctional institutions, in that any person of school age is entitled to a free appropriate public education.

The above is a summary of the responses given according to the information and knowledge available to me.

Number 16

What are the priorities you feel BEH should set for the comming years? Please list those that you feel would be of the most benefit to your particular state.

Response:

BEH has been responsive to requests for technical assistance, but because of the overwhelming demands of P.L. 94-142 has been unable to provide the optimum level. This should be made a higher priority for the future.

# SPECIAL EDUCATION

## PROGRAMS/SERVICES
## 1977-1978

Compiled by
Fiscal and Administrative Unit
Bureau of Special Education
Pennsylvania Department of Education
1979

Commonwealth of Pennsylvania
Dick Thornburgh, *Governor*

Department of Education
Robert G. Scanlon, *Secretary*

Office of Basic Education
Frank S. Manchester, *Commissioner*
Herbert Edwards, *Acting Deputy Commissioner*

Bureau of Special Education
Gary J. Makuch, *Director*

Fiscal and Administrative Unit
Richard H. McCarty, *Unit Chief*

**Pennsylvania Department of Education**
**Box 911**
**Harrisburg, PA 17126**

This report contains data on special education programs and services in Pennsylvania's public schools as of January 1978. The data comes from Annual Special Education Program/Services Reports (DEBE-284) submitted to the Department of Education by 29 intermediate units and 332 districts.

The statewide totals of 10,316 special education classes and 222,318 pupils represent an increase of 818 classes and 6,487 pupils over the 1976-1977 totals. Programs operated by intermediate unit boards of school directors accounted for 6,613 classes and 147,452 pupils, an increase of 277 classes and a decrease of 5,415 pupils. Programs operated by school districts increased from 3,162 classes and 62,964 pupils to 3,703 classes and 74,866 pupils.

Note: Data reflected in consolidated summaries (pages 4, 5, and 6) may vary from individual IU and district summaries because figures have been rounded out or because of other considerations. Also, various reports may contain data on pupils but not on their teachers; these generally concern itinerant programs in which teachers serve both elementary and secondary pupils.

# Combined Intermediate Unit/District Totals

COMMONWEALTH OF PENNSYLVANIA · DEPARTMENT OF EDUCATION

# ANNUAL SPECIAL EDUCATION REPORT

DEBE-304 (11/77)

| | |
|---|---|
| OPERATING SCHOOL DISTRICT OR IU | Statewide Consolidated IU & District |
| IU NUMBER | |
| DATE | 1977-1978 |

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| CATEGORY OF SPECIAL EDUCATION | NUMBER OF CLASSES OR TEACHERS | TOTAL NUMBER OF PUPILS SERVED | PUPILS BY ORGANIZATIONAL PATTERN* | | | | TOTAL NUMBER OF EQUIVALENT FULL TIME ADM |
|---|---|---|---|---|---|---|---|
| | | | FULL TIME 80% + | PART-TIME 50% + | RESOURCE ROOM 50% − | ITINERANT 20% − | |
| ELEMENTARY | | | | | | | |
| Educable Mentally Retarded | 1111 | 13748 | 12793 | 708 | 170 | 77 | 12855 |
| Trainable Mentally Retarded | 378 | 3607 | 3470 | 1 | | 36 | 3418 |
| Severely/Profoundly Mentally Retarded | 272 | 2031 | 2000 | | | 31 | 2000 |
| Socially and Emotionally Disturbed | 496 | 4083 | 3004 | 446 | 332 | 301 | 3379 |
| Physically Handicapped | 126 | 1654 | 1243 | 11 | | 400 | 1224 |
| Brain Injured | 101 | 1216 | 552 | 282 | 181 | 201 | 821 |
| Learning Disabled | 1160.5 | 17152 | 6648 | 1097 | 6284 | 3123 | 9368 |
| Hearing Impaired | 257 | 2678 | 643 | 72 | 66 | 1897 | 955 |
| Visually Impaired | 154.6 | 1702 | 230 | 6 | 2 | 1464 | 519 |
| Speech and Language Impaired | 1080.3 | 74302 | 23 | | | 74279 | 2962 |
| Gifted | 747.07 | 27577 | 1409 | 292 | 5427 | 20449 | 5099 |
| Talented | 2 | 178 | | | | 178 | 13 |
| Multihandicapped | 29 | 237 | 229 | | | 8 | 226 |
| Mixed Categories | 146 | 2486 | 499 | 102 | 1741 | 144 | 1215 |
| Detention (IU Only) | 3 | 35 | 35 | | | | 25 |
| Sub Total | 6063.47 | 152586 | 32778 | 3017 | 14203 | 102588 | 44079 |
| SECONDARY | | | | | | | |
| Educable Mentally Retarded | 1505.5 | 21802 | 12016 | 8711 | 711 | 364 | 17113 |
| Trainable Mentally Retarded | 437.5 | 4545 | 4481 | 32 | | 32 | 4361 |
| Severely/Profoundly Mentally Retarded | 241 | 1552 | 1543 | 2 | | 7 | 1537 |
| Socially and Emotionally Disturbed | 289.5 | 2772 | 1411 | 368 | 729 | 264 | 1956 |
| Physically Handicapped | 82.5 | 1084 | 835 | 14 | 10 | 225 | 810 |
| Brain Injured | 29 | 501 | 99 | 134 | 153 | 115 | 243 |
| Learning Disabled | 392 | 6968 | 916 | 369 | 4757 | 926 | 2748 |
| Hearing Impaired | 83.5 | 1049 | 245 | 39 | 85 | 680 | 397 |
| Visually Impaired | 43 | 880 | 27 | 3 | 223 | 627 | 209 |
| Speech and Language Impaired | 87.6 | 6135 | | | | 6135 | 259 |
| Gifted | 701.21 | 14706 | 822 | 2595 | 3459 | 7830 | 3421 |
| Talented | 38.3 | 631 | 19 | | | 612 | 99 |
| Multihandicapped | 32 | 1349 | | | | | 1084 |
| Mixed Categories | 141 | 2483 | 250 | 496 | 1648 | 89 | 1165 |
| Detention (IU Only) | 148.5 | 3275 | 2274 | | 469 | 532 | 1073 |
| Sub Total | 4252.11 | 69732 | 26287 | 12763 | 12244 | 18438 | 36475 |
| GRAND TOTAL | 10315.58 | 222318 | 59065 | 15780 | 26447 | 121026 | 80554 |

FOR DISTRICT AND INTERMEDIATE UNIT USE

*Must equal total number of pupils served.
Percentage equals time spent with special education teacher.

I certify that the information contained herein is true and correct; further, that all special education programs and services and assignment of pupils are in accordance with State Board Regulations and standards of the Department of Education.

SIGNATURE · DISTRICT SPECIAL EDUCATION DIRECTOR (IF ASSIGNED) DATE

SIGNATURE · IU SPECIAL EDUCATION DIRECTOR (ALL REPORTS) DATE

SIGNATURE · DISTRICT SUPERINTENDENT OR IU EXECUTIVE DIRECTOR (AS APPLICABLE) DATE

COMMONWEALTH OF PENNSYLVANIA · DEPARTMENT OF EDUCATION

## ANNUAL SPECIAL EDUCATION REPORT

DEBE-304 (11/77)

| | |
|---|---|
| OPERATING SCHOOL DISTRICT OR IU | Consolidated IU Reports |
| IU NUMBER | |
| DATE | 1977-1978 |

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| CATEGORY OF SPECIAL EDUCATION | NUMBER OF CLASSES OR TEACHERS | TOTAL NUMBER OF PUPILS SERVED | PUPILS BY ORGANIZATIONAL PATTERN* | | | | TOTAL NUMBER OF EQUIVALENT FULL TIME ADM |
|---|---|---|---|---|---|---|---|
| | | | FULL TIME 80% + | PART-TIME 50% + | RESOURCE ROOM 50% − | ITINERANT 20% − | |
| ELEMENTARY | | | | | | | |
| Educable Mentally Retarded | 539.5 | 6383 | 5705 | 480 | 135 | 63 | 5935 |
| Trainable Mentally Retarded | 312 | 2810 | 2774 | | | 36 | 2735 |
| Severely/Profoundly Mentally Retarded | 260 | 1926 | 1895 | | | 31 | 1900 |
| Socially and Emotionally Disturbed | 380 | 3010 | 2159 | 390 | 240 | 221 | 2499 |
| Physically Handicapped | 108 | 1478 | 1067 | 11 | | 400 | 1053 |
| Brain Injured | 86 | 927 | 501 | 280 | 16 | 130 | 702 |
| Learning Disabled | 730 | 10658 | 3824 | 721 | 3491 | 2622 | 5480 |
| Hearing Impaired | 251 | 2608 | 628 | 59 | 66 | 1855 | 931 |
| Visually Impaired | 151 | 1681 | 225 | 6 | | 1450 | 512 |
| Speech and Language Impaired | 944.5 | 61986 | 23 | | | 61963 | 2444 |
| Gifted | 287 | 13476 | 227 | 49 | 2596 | 10604 | 2025 |
| Talented | | | | | | | |
| Multihandicapped | 23 | 170 | 162 | | | 8 | 166 |
| Mixed Categories | 79 | 1154 | 206 | 23 | 876 | 49 | 637 |
| Detention (IU Only) | | | | | | | |
| Sub Total | 4150 | 108267 | 19396 | 2019 | 7420 | 79432 | 27019 |
| SECONDARY | | | | | | | |
| Educable Mentally Retarded | 783.5 | 10774 | 5993 | 4017 | 430 | 334 | 8305 |
| Trainable Mentally Retarded | 386 | 3972 | 3916 | 24 | | 32 | 3810 |
| Severely/Profoundly Mentally Retarded | 239 | 1536 | 1527 | 2 | | 7 | 1521 |
| Socially and Emotionally Disturbed | 219.5 | 1894 | 1000 | 208 | 540 | 146 | 1402 |
| Physically Handicapped | 75.5 | 1013 | 777 | 11 | | 225 | 745 |
| Brain Injured | 21 | 361 | 99 | 114 | 33 | 115 | 182 |
| Learning Disabled | 219.5 | 3765 | 633 | 59 | 2453 | 620 | 1470 |
| Hearing Impaired | 80.5 | 1001 | 245 | 39 | 56 | 661 | 380 |
| Visually Impaired | 42 | 860 | 27 | 3 | 209 | 621 | 200 |
| Speech and Language Impaired | 72 | 5242 | | | | 5242 | 216 |
| Gifted | 184.5 | 4981 | 822 | 1800 | 930 | 1429 | 1448 |
| Talented | 33.3 | 491 | 19 | | | 472 | 82 |
| Multihandicapped | 9 | 45 | 45 | | | | 45 |
| Mixed Categories | 65 | 1075 | 75 | 170 | 830 | | 479 |
| Detention (IU Only) | 33.5 | 2175 | 1174 | | 469 | 532 | 287 |
| Sub Total | 2462.8 | 39186 | 16352 | 6447 | 5950 | 10436 | 20572 |
| GRAND TOTAL | 6612.8 | 147452 | 35748 | 8466 | 13370 | 89868 | 47591 |

FOR DISTRICT AND INTERMEDIATE UNIT USE

*Must equal total number of pupils served.
Percentage equals time spent with special education teacher.

I certify that the information contained herein is true and correct; further, that all special education programs and services and assignment of pupils are in accordance with State Board Regulations and standards of the Department of Education.

SIGNATURE · DISTRICT SPECIAL EDUCATION DIRECTOR (IF ASSIGNED) DATE

SIGNATURE · IU SPECIAL EDUCATION DIRECTOR (ALL REPORTS) DATE

SIGNATURE · DISTRICT SUPERINTENDENT OR IU EXECUTIVE DIRECTOR (AS APPLICABLE) DATE

COMMONWEALTH OF PENNSYLVANIA · DEPARTMENT OF EDUCATION

# ANNUAL SPECIAL EDUCATION REPORT

DEBE-304 (11/77)

| | |
|---|---|
| OPERATING SCHOOL DISTRICT OR IU | Consolidated District Reports |
| IU NUMBER | |
| DATE | 1977-1978 |

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|---|---|---|---|---|---|---|---|
| | | | FULL TIME 80% + | PART-TIME 50% + | RESOURCE ROOM 50% – | ITINERANT 20% – | |
| ELEMENTARY | | | | | | | |
| Educable Mentally Retarded | 571.5 | 7365 | 7088 | 228 | 35 | 14 | 6920 |
| Trainable Mentally Retarded | 66 | 697 | 696 | 1 | | | 683 |
| Severely/Profoundly Mentally Retarded | 12 | 105 | 105 | | | | 100 |
| Socially and Emotionally Disturbed | 116 | 1073 | 845 | 56 | 92 | 80 | 880 |
| Physically Handicapped | 18 | 176 | 176 | | | | 171 |
| Brain Injured | 16 | 289 | 51 | 2 | 165 | 71 | 119 |
| Learning Disabled | 430.5 | 6494 | 2824 | 376 | 2793 | 501 | 3888 |
| Hearing Impaired | 6 | 70 | 15 | 13 | | 42 | 24 |
| Visually Impaired | 3.6 | 21 | 5 | | 2 | 14 | 7 |
| Speech and Language Impaired | 135.8 | 12316 | | | | 12316 | 518 |
| Gifted | 460.07 | 14101 | 1182 | 243 | 2831 | 9845 | 3074 |
| Talented | 2 | 178 | | | | 178 | 13 |
| Multihandicapped | 6 | 67 | 67 | | | | 60 |
| Mixed Categories | 67 | 1332 | 293 | 79 | 865 | 95 | 578 |
| Detention (IU Only) | 3 | 35 | 35 | | | | 25 |
| Sub Total | 1913.47 | 44319 | 13382 | 998 | 6783 | 23156 | 17060 |
| SECONDARY | | | | | | | |
| Educable Mentally Retarded | 722 | 11028 | 6023 | 4694 | 281 | 30 | 8808 |
| Trainable Mentally Retarded | 52.5 | 573 | 565 | 8 | | | 551 |
| Severely/Profoundly Mentally Retarded | 2 | 16 | 16 | | | | 16 |
| Socially and Emotionally Disturbed | 70 | 878 | 411 | 160 | 189 | 118 | 554 |
| Physically Handicapped | 7 | 71 | 58 | 3 | 10 | | 65 |
| Brain Injured | 8 | 140 | | 20 | 120 | | 61 |
| Learning Disabled | 172.5 | 3203 | 283 | 310 | 2304 | 306 | 1278 |
| Hearing Impaired | 3 | 48 | | | 29 | 19 | 17 |
| Visually Impaired | 1 | 20 | | | 14 | 6 | 9 |
| Speech and Language Impaired | 15.6 | 893 | | | | 893 | 43 |
| Gifted | 516.71 | 9725 | | 795 | 2529 | 6401 | 1973 |
| Talented | 5 | 140 | | | | 104 | 17 |
| Multihandicapped | 23 | 1304 | 1304 | | | | 1039 |
| Mixed Categories | 76 | 1408 | 175 | 326 | 818 | 89 | 686 |
| Detention (IU Only) | 115 | 1100 | 1100 | | | | 786 |
| Sub Total | 1789.31 | 30.547 | 9935 | 6316 | 6294 | 8002 | 15903 |
| GRAND TOTAL | 3702.78 | 74.866 | 23317 | 7314 | 13077 | 31158 | 32963 |

FOR DISTRICT AND INTERMEDIATE UNIT USE

*Must equal total number of pupils served.
Percentage equals time spent with special education teacher.

I certify that the information contained herein is true and correct; further, that all special education programs and services and assignment of pupils are in accordance with State Board Regulations and standards of the Department of Education.

SIGNATURE · DISTRICT SPECIAL EDUCATION DIRECTOR (IF ASSIGNED) DATE

SIGNATURE · IU SPECIAL EDUCATION DIRECTOR (ALL REPORTS) DATE

SIGNATURE · DISTRICT SUPERINTENDENT OR IU EXECUTIVE DIRECTOR (AS APPLICABLE) DATE

# Intermediate Unit and District Reports
(DEBE-284)

COMMONWEALTH OF PENNSYLVANIA · DEPARTMENT OF EDUCATION

## ANNUAL SPECIAL EDUCATION REPORT

DEBE-284 (11/77)

OPERATING SCHOOL DISTRICT OR IU: Intermediate Unit I (Fayette, Greene, Wash.)
IU NUMBER: 1
DATE: 3/1/78

*INSTRUCTIONS:* Each school district and intermediate unit conducting special education programs and services shall submit one copy of this form through the IU to the Bureau of Special and Compensatory Education, Division of Special Education, Box 911, Harrisburg, Pa. 17126. The initial report is due in the bureau no later than January 15 and shall represent those special education programs and services for which payment or reimbursement is expected from the State. Revisions will be accepted to May 1.

| CATEGORY OF SPECIAL EDUCATION | NUMBER OF CLASSES OR TEACHERS | TOTAL NUMBER OF PUPILS SERVED | PUPILS BY ORGANIZATIONAL PATTERN* | | | | TOTAL NUMBER OF EQUIVALENT FULL TIME ADM |
|---|---|---|---|---|---|---|---|
| | | | FULL TIME 80% + | PART-TIME 50% + | RESOURCE ROOM 50% − | ITINERANT 20% − | |
| ELEMENTARY | | | | | | | |
| Educable Mentally Retarded | 4 | 42 | 42 | | | | 42 |
| Trainable Mentally Retarded | 15 | 145 | 145 | | | | 145 |
| Severely/Profoundly Mentally Retarded | 8 | 52 | 40 | | | 12 | 52 |
| Socially and Emotionally Disturbed | 10 | 72 | 72 | | | | 72 |
| Physically Handicapped | 5 | 45 | 45 | | | | 45 |
| Brain Injured | | | | | | | |
| Learning Disabled | 24 | 349 | 112 | | 97 | 140 | 135 |
| Hearing Impaired | 14 | 185 | 28 | | | 157 | 38 |
| Visually Impaired | 8 | 130 | 14 | | | 116 | 20 |
| Speech and Language Impaired | 63 | 5,147 | | | | 5,147 | 168 |
| Gifted | 7 | 114 | | | 73 | 41 | 20 |
| Talented | | | | | | | |
| Multihandicapped | 4 | 27 | 27 | | | | 27 |
| Mixed Categories | 1 | 11 | | | 11 | | 5 |
| Detention (IU Only) | | | | | | | |
| Sub Total | 163 | 6,319 | 525 | | 181 | 5,613 | 769 |
| SECONDARY | | | | | | | |
| Educable Mentally Retarded | 32 | 436 | 342 | 60 | | 34 | 369 |
| Trainable Mentally Retarded | 26 | 205 | 205 | | | | 205 |
| Severely/Profoundly Mentally Retarded | 17 | 126 | 126 | | | | 126 |
| Socially and Emotionally Disturbed | 3 | 24 | | | 24 | | 15 |
| Physically Handicapped | 3 | 30 | 30 | | | | 30 |
| Brain Injured | | | | | | | |
| Learning Disabled | 2 | 30 | | | 30 | | 6 |
| Hearing Impaired | 1 | 6 | 6 | | | | 6 |
| Visually Impaired | 2 | 3 | 3 | | | * | 3 |
| Speech and Language Impaired | 6 | * | | | | * | * |
| Gifted | | | | | | | |
| Talented | | | | | | | |
| Multihandicapped | | | | | | | |
| Mixed Categories | 1 | 8 | | | 8 | | 2 |
| Detention (IU Only) | 1 | 200 | 200 | | | | 10 |
| Sub Total | 94 | 1,068 | 912 | 60 | 62 | 34 | 772 |
| GRAND TOTAL | 257 | 7,387 | 1,437 | 60 | 243 | 5,647 | 1,541 |

FOR DISTRICT AND INTERMEDIATE UNIT USE *Western Center Students— listed in category of primary disability.

*Must equal total number of pupils served.
Percentage equals time spent with special education teacher

I certify that the information contained herein is true and correct; further, that all special education programs and services and assignment of pupils are in accordance with State Board Regulations and standards of the Department of Education.

SIGNATURE · DISTRICT SPECIAL EDUCATION DIRECTOR (IF ASSIGNED) DATE

SIGNATURE · IU SPECIAL EDUCATION DIRECTOR (ALL REPORTS) DATE March 1, 1978

SIGNATURE · DISTRICT SUPERINTENDENT OR IU EXECUTIVE DIRECTOR (AS APPLICABLE) DATE

Acting Executive Director March 1, 1978

COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF EDUCATION

# ANNUAL SPECIAL EDUCATION REPORT

DEBE-264 (11/77)

OPERATING SCHOOL DISTRICT OR IU DISTRICT COMPOSITE - Intermediate Unit I

IU NUMBER I

DATE March 20, 1978

*INSTRUCTIONS:* Each school district and intermediate unit conducting special education programs and services shall submit one copy of this form through the IU to the Bureau of Special and Compensatory Education, Division of Special Education, Box 911, Harrisburg, Pa. 17126. The initial report is due in the bureau no later than January 15 and shall represent those special education programs and services for which payment or reimbursement is expected from the State. Revisions will be accepted to May 1.

| CATEGORY OF SPECIAL EDUCATION | NUMBER OF CLASSES OR TEACHERS | TOTAL NUMBER OF PUPILS SERVED | PUPILS BY ORGANIZATIONAL PATTERN* | | | | TOTAL NUMBER OF EQUIVALENT FULL TIME ADM |
|---|---|---|---|---|---|---|---|
| | | | FULL TIME 80% + | PART-TIME 50% + | RESOURCE ROOM 50% – | ITINERANT 20% – | |
| ELEMENTARY | | | | | | | |
| Educable Mentally Retarded | 55 | 745 | 727 | 18 | | | 729 |
| Trainable Mentally Retarded | 1 | 9 | 9 | | | | 9 |
| Severely/Profoundly Mentally Retarded | | | | | | | |
| Socially and Emotionally Disturbed | 1 | 9 | 9 | | | | 9 |
| Physically Handicapped | | | | | | | |
| Brain Injured | | | | | | | |
| Learning Disabled | 4 | 69 | 30 | | 39 | | 51 |
| Hearing Impaired | | | | | | | |
| Visually Impaired | | | | | | | |
| Speech and Language Impaired | 1 | 133 | | | | 133 | 8 |
| Gifted | 16.5 | 587 | | | 394 | 193 | 121 |
| Talented | | | | | | | |
| Multihandicapped | | | | | | | |
| Mixed Categories | | | | | | | |
| Detention (IU Only) | | | | | | | |
| Sub Total | 78.5 | 1552 | 775 | 18 | 433 | 326 | 927 |
| SECONDARY | | | | | | | |
| Educable Mentally Retarded | 57 | 964 | 497 | 440 | 27 | | 778 |
| Trainable Mentally Retarded | | | | | | | |
| Severely/Profoundly Mentally Retarded | | | | | | | |
| Socially and Emotionally Disturbed | 1 | 11 | | | 11 | | 3 |
| Physically Handicapped | | | | | | | |
| Brain Injured | | | | | | | |
| Learning Disabled | 4 | 58 | 11 | | 47 | | 24 |
| Hearing Impaired | | | | | | | |
| Visually Impaired | | | | | | | |
| Speech and Language Impaired | | | | | | | |
| Gifted | 13 | 370 | | 30 | 340 | | 94 |
| Talented | | | | | | | |
| Multihandicapped | | | | | | | |
| Mixed Categories | | | | | | | |
| Detention (IU Only) | | | | | | | |
| Sub Total | 75 | 1403 | 508 | 470 | 425 | | 899 |
| GRAND TOTAL | 153.5 | 2955 | 1,283 | 488 | 858 | 326 | 1826 |

FOR DISTRICT AND INTERMEDIATE UNIT USE

*Must equal total number of pupils served.
Percentage equals time spent with special education teacher.

I certify that the information contained herein is true and correct; further, that all special education programs and services and assignment of pupils are in accordance with State Board Regulations and standards of the Department of Education.

SIGNATURE - DISTRICT SPECIAL EDUCATION DIRECTOR (IF ASSIGNED) DATE

SIGNATURE - IU SPECIAL EDUCATION DIRECTOR (ALL REPORTS) DATE March 20, 1978

SIGNATURE - DISTRICT SUPERINTENDENT OR IU EXECUTIVE DIRECTOR (AS APPLICABLE) DATE March 20, 1978

Acting Executive Director

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COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF EDUCATION

## ANNUAL SPECIAL EDUCATION REPORT

DEBE-204 (11/77)

OPERATING SCHOOL DISTRICT OR IU: PITTSBURGH PUBLIC SCHOOLS
IU NUMBER: 2
DATE: 1/15/78

*INSTRUCTIONS:* Each school district and intermediate unit conducting special education programs and services shall submit one copy of this form through the IU to the Bureau of Special and Compensatory Education, Division of Special Education, Box 911, Harrisburg, Pa. 17126. The initial report is due in the bureau no later than January 15 and shall represent those special education programs and services for which payment or reimbursement is expected from the State. Revisions will be accepted to May 1.

| CATEGORY OF SPECIAL EDUCATION | NUMBER OF CLASSES OR TEACHERS | TOTAL NUMBER OF PUPILS SERVED | PUPILS BY ORGANIZATIONAL PATTERN* | | | | TOTAL NUMBER OF EQUIVALENT FULL TIME ADM |
|---|---|---|---|---|---|---|---|
| | | | FULL TIME 80% + | PART-TIME 50% + | RESOURCE ROOM 50% – | ITINERANT 20% – | |
| **ELEMENTARY** | | | | | | | |
| Educable Mentally Retarded | 53 | 634 | 634 | ---- | ---- | ---- | 540 |
| Trainable Mentally Retarded | 9 | 69 | 69 | ---- | ---- | ---- | 69 |
| Severely/Profoundly Mentally Retarded | 5 | 39 | 39 | ---- | ---- | ---- | 39 |
| Socially and Emotionally Disturbed | 22 | 270 | 270 | ---- | ---- | ---- | 230 |
| Physically Handicapped | 7 | 59 | 59 | ---- | ---- | ---- | 59 |
| Brain Injured | ---- | ---- | ---- | ---- | ---- | ---- | ---- |
| Learning Disabled | 55 | 606 | 501 | ---- | ---- | 105 | 470 |
| Hearing Impaired | 6 | 59 | 17 | ---- | ---- | 42 | 21 |
| Visually Impaired | 9 | 71 | 17 | ---- | ---- | 54 | 45 |
| Speech and Language Impaired | 31 | 1422 | --- | ---- | ---- | 1422 | 124 |
| Gifted | 12 | 710 | --- | ---- | 710 | ---- | 142 |
| Talented | ---- | ---- | --- | ---- | ---- | ---- | ---- |
| Multihandicapped | ---- | ---- | --- | ---- | ---- | ---- | ---- |
| Mixed Categories | ---- | ---- | --- | ---- | ---- | ---- | ---- |
| Detention (IU Only) | ---- | ---- | --- | ---- | ---- | ---- | ---- |
| Sub Total | 209 | 3939 | 1606 | ---- | 710 | 1623 | 1739 |
| **SECONDARY** | | | | | | | |
| Educable Mentally Retarded | 84 | 1466 | ---- | 1466 | ---- | ---- | 807 |
| Trainable Mentally Retarded | 17 | 177 | 177 | ---- | ---- | ---- | 117 |
| Severely/Profoundly Mentally Retarded | 10 | 62 | 62 | ---- | ---- | ---- | 62 |
| Socially and Emotionally Disturbed | 35 | 294 | 112 | --- | 182 | ---- | 184 |
| Physically Handicapped | 7 | 66 | 66 | ---- | ---- | ---- | 66 |
| Brain Injured | ---- | ---- | ---- | ---- | ---- | ---- | ---- |
| Learning Disabled | 16 | 443 | ---- | ---- | 398 | 45 | 214 |
| Hearing Impaired | 8 | 76 | 6 | 22 | ---- | 48 | 42 |
| Visually Impaired | 4 | 68 | 9 | 3 | 9 | 47 | 23 |
| Speech and Language Impaired | 9 | 417 | ---- | ---- | ---- | 417 | 36 |
| Gifted | 125* | 2129 | ---- | 1800 | 329 | ---- | 1056 |
| Talented | 17.3* | 258 | ---- | ---- | ---- | 258 | 52 |
| Multihandicapped | ---- | ---- | ---- | ---- | ---- | ---- | ---- |
| Mixed Categories | ---- | ---- | ---- | ---- | ---- | ---- | ---- |
| Detention (IU Only) | ---- | ---- | ---- | ---- | ----- | ---- | ---- |
| Sub Total | 352.3 | 5456 | 432 | 3291 | 918 | 815 | 2659 |
| **GRAND TOTAL** | 561.3 | 9395 | 2038 | 3291 | 1628 | 2438 | 4398 |

FOR DISTRICT AND INTERMEDIATE UNIT USE

*Full Time Equivalent Positions

*Must equal total number of pupils served.
Percentage equals time spent with special education teacher.

I certify that the information contained herein is true and correct; further, that all special education programs and services and assignment of pupils are in accordance with State Board Regulations and standards of the Department of Education.

SIGNATURE - DISTRICT SPECIAL EDUCATION DIRECTOR (IF ASSIGNED) DATE

SIGNATURE - IU SPECIAL EDUCATION DIRECTOR (ALL REPORTS) DATE 4/3/78

SIGNATURE - DISTRICT SUPERINTENDENT OR IU EXECUTIVE DIRECTOR (AS APPLICABLE) DATE

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COMMONWEALTH OF PENNSYLVANIA · DEPARTMENT OF EDUCATION

## ANNUAL SPECIAL EDUCATION REPORT

DEBE-204 (11/77)

| | |
|---|---|
| OPERATING SCHOOL DISTRICT OR IU | Allegheny Intermediate Unit |
| IU NUMBER | 3 |
| DATE | February 15, 1978 |

*INSTRUCTIONS:* Each school district and intermediate unit conducting special education programs and services shall submit one copy of this form through the IU to the Bureau of Special and Compensatory Education, Division of Special Education, Box 911, Harrisburg, Pa. 17126. The initial report is due in the bureau no later than January 15 and shall represent those special education programs and services for which payment or reimbursement is expected from the State. Revisions will be accepted to May 1.

| CATEGORY OF SPECIAL EDUCATION | NUMBER OF CLASSES OR TEACHERS | TOTAL NUMBER OF PUPILS SERVED | PUPILS BY ORGANIZATIONAL PATTERN* | | | | TOTAL NUMBER OF EQUIVALENT FULL TIME ADM |
|---|---|---|---|---|---|---|---|
| | | | FULL TIME 80% + | PART-TIME 50% + | RESOURCE ROOM 50% − | ITINERANT 20% − | |
| **ELEMENTARY** | | | | | | | |
| Educable Mentally Retarded | 39 | 491 | 491 | | | | 461 |
| Trainable Mentally Retarded | 17 | 175 | 175 | | | | 164 |
| Severely/Profoundly Mentally Retarded | 11 | 72 | 72 | | | | 64 |
| Socially and Emotionally Disturbed | 47 | 355 | 84 | 250 | 21 | | 260 |
| Physically Handicapped | 11 | 469 | 69 | | | 400 | 84 |
| Brain Injured | | | | | | | |
| Learning Disabled | 72 | 920 | | 381 | 487 | 52 | 452 |
| Hearing Impaired | 15 | 134 | 65 | | 10 | 59 | 72 |
| Visually Impaired | 9 | 148 | 5 | | | 143 | 37 |
| Speech and Language Impaired | 83 | 5644 | | | | 5644 | 112 |
| Gifted | 23 | 1420 | | | 1420 | | 138 |
| Talented | | | | | | | |
| Multihandicapped | 1 | 4 | 4 | | | | 4 |
| Mixed Categories | 3 | 28 | 28 | | | | 28 |
| Detention (IU Only) | | | | | | | |
| Sub Total | 331 | 9860 | 993 | 631 | 1938 | 6298 | 1876 |
| **SECONDARY** | | | | | | | |
| Educable Mentally Retarded | 65 | 875 | 875 | | | | 823 |
| Trainable Mentally Retarded | 33 | 355 | 355 | | | | 333 |
| Severely/Profoundly Mentally Retarded | 5 | 35 | 35 | | | | 33 |
| Socially and Emotionally Disturbed | 48 | 318 | 70 | 109 | 130 | 9 | 253 |
| Physically Handicapped | 10 | 311 | 86 | | | 225 | 88 |
| Brain Injured | | | | | | | |
| Learning Disabled | 39 | 766 | | | 626 | 140 | 234 |
| Hearing Impaired | 11 | 99 | 34 | | 23 | 42 | 41 |
| Visually Impaired | 11 | 149 | 6 | | | 143 | 46 |
| Speech and Language Impaired | 14 | 643 | | | | 643 | 12 |
| Gifted | 6 | 332 | | | 332 | | 36 |
| Talented | | | | | | | |
| Multihandicapped | 3 | 14 | 14 | | | | 14 |
| Mixed Categories | | | | | | | |
| Detention (IU Only) | | | | | | | |
| Sub Total | 245 | 3897 | 1475 | 109 | 1111 | 1202 | 1913 |
| **GRAND TOTAL** | 576 | 13757 | 2468 | 740 | 3049 | 7500 | 3789 |

FOR DISTRICT AND INTERMEDIATE UNIT USE

*Must equal total number of pupils served.
Percentage equals time spent with special education teacher.

I certify that the information contained herein is true and correct; further, that all special education programs and services and assignment of pupils are in accordance with State Board Regulations and standards of the Department of Education.

SIGNATURE · DISTRICT SPECIAL EDUCATION DIRECTOR (IF ASSIGNED) DATE

SIGNATURE · IU SPECIAL EDUCATION DIRECTOR (ALL REPORTS) DATE

D. Roger Mel 2-16-78

SIGNATURE · DISTRICT SUPERINTENDENT OR IU EXECUTIVE DIRECTOR (AS APPLICABLE) DATE

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COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF EDUCATION

# ANNUAL SPECIAL EDUCATION REPORT

DEBE-284 (11/77)

OPERATING SCHOOL DISTRICT OR IU: Allegheny Intermediate Unit - District Composite

IU NUMBER: 3

DATE: 2/13/78

*INSTRUCTIONS.* Each school district and intermediate unit conducting special education programs and services shall submit one copy of this form through the IU to the Bureau of Special and Compensatory Education, Division of Special Education, Box 911, Harrisburg, Pa. 17126. The initial report is due in the bureau no later than January 15 and shall represent those special education programs and services for which payment or reimbursement is expected from the State. Revisions will be accepted to May 1.

| CATEGORY OF SPECIAL EDUCATION | NUMBER OF CLASSES OR TEACHERS | TOTAL NUMBER OF PUPILS SERVED | PUPILS BY ORGANIZATIONAL PATTERN* FULL TIME 80% + | PART-TIME 50% + | RESOURCE ROOM 50% – | ITINERANT 20% – | TOTAL NUMBER OF EQUIVALENT FULL TIME ADM |
|---|---|---|---|---|---|---|---|
| **ELEMENTARY** | | | | | | | |
| Educable Mentally Retarded | 14 | 184 | 184 | | | | 180 |
| Trainable Mentally Retarded | 1 | 11 | 11 | | | | 11 |
| Severely/Profoundly Mentally Retarded | | | | | | | |
| Socially and Emotionally Disturbed | 9 | 77 | 73 | 3 | | 1 | 71 |
| Physically Handicapped | 1 | 10 | 10 | | | | 10 |
| Brain Injured | | | | | | | |
| Learning Disabled | 34 | 576 | 141 | 15 | 373 | 47 | 248 |
| Hearing Impaired | | | | | | | |
| Visually Impaired | | | | | | | |
| Speech and Language Impaired | 17 | 1582 | | | | 1582 | 29 |
| Gifted | 76 | 3283 | | | 863 | 2420 | 341 |
| Talented | | | | | | | |
| Multihandicapped | | | | | | | |
| Mixed Categories | | | | | | | |
| Detention (IU Only) | | | | | | | |
| Sub Total | 152 | 5723 | 419 | 18 | 1236 | 4050 | 890 |
| **SECONDARY** | | | | | | | |
| Educable Mentally Retarded | 18 | 270 | 203 | 49 | 18 | | 223 |
| Trainable Mentally Retarded | 1 | 14 | 14 | | | | 14 |
| Severely/Profoundly Mentally Retarded | | | | | | | |
| Socially and Emotionally Disturbed | 5 | 46 | 46 | | | | 41 |
| Physically Handicapped | | | | | | | |
| Brain Injured | | | | | | | |
| Learning Disabled | 20 | 304 | 17 | 4 | 263 | 20 | 136 |
| Hearing Impaired | | | | | | | |
| Visually Impaired | | | | | | | |
| Speech and Language Impaired | 4 | 154 | | | | 154 | 10 |
| Gifted | 88 | 2251 | | | 440 | 1811 | 269 |
| Talented | | | | | | | |
| Multihandicapped | | | | | | | |
| Mixed Categories | 2 | 24 | | 8 | 16 | | 11 |
| Detention (IU Only) | | | | | | | |
| Sub Total | 138 | 3063 | 280 | 61 | 737 | 1985 | 704 |
| **GRAND TOTAL** | 290 | 8786 | 699 | 79 | 1973 | 6035 | 1594 |

*Must equal total number of pupils served. Percentage equals time spent with special education teacher.

FOR DISTRICT AND INTERMEDIATE UNIT USE

I certify that the information contained herein is true and correct; further, that all special education programs and services and assignment of pupils are in accordance with State Board Regulations and standards of the Department of Education.

SIGNATURE DISTRICT SPECIAL EDUCATION DIRECTOR (IF ASSIGNED) DATE

SIGNATURE IU SPECIAL EDUCATION DIRECTOR (ALL REPORTS) DATE 2-16-78

SIGNATURE DISTRICT SUPERINTENDENT OR IU EXECUTIVE DIRECTOR (AS APPLICABLE) DATE

953

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COMMONWEALTH OF PENNSYLVANIA · DEPARTMENT OF EDUCATION

# ANNUAL SPECIAL EDUCATION REPORT

DEBE-384 (11/77)

OPERATING SCHOOL DISTRICT OR IU: Midwestern Intermediate Unit IV

IU NUMBER: 4

DATE: 4/3/78

*INSTRUCTIONS:* Each school district and intermediate unit conducting special education programs and services shall submit one copy of this form through the IU to the Bureau of Special and Compensatory Education, Division of Special Education, Box 911, Harrisburg, Pa. 17126. The initial report is due in the bureau no later than January 15 and shall represent those special education programs and services for which payment or reimbursement is expected from the State. Revisions will be accepted to May 1.

| CATEGORY OF SPECIAL EDUCATION | NUMBER OF CLASSES OR TEACHERS | TOTAL NUMBER OF PUPILS SERVED | PUPILS BY ORGANIZATIONAL PATTERN* | | | | TOTAL NUMBER OF EQUIVALENT FULL TIME ADM |
|---|---|---|---|---|---|---|---|
| | | | FULL TIME 80% + | PART-TIME 50% + | RESOURCE ROOM 50% – | ITINERANT 20% – | |
| **ELEMENTARY** | | | | | | | |
| Educable Mentally Retarded | 7 | 87 | -- | 87 | -- | -- | 68.833 |
| Trainable Mentally Retarded | 8 | 68 | 68 | -- | -- | -- | 68.000 |
| Severely/Profoundly Mentally Retarded | 12 | 105 | 100 | -- | -- | 5 | 100.000 |
| Socially and Emotionally Disturbed | 4 | 41 | 23 | -- | -- | 18 | 20.278 |
| Physically Handicapped | 1 | 9 | 9 | -- | -- | -- | 9.000 |
| Brain Injured | -- | -- | -- | -- | -- | -- | ------ |
| Learning Disabled | 17 | 201 | -- | -- | 201 | -- | 98.800 |
| Hearing Impaired | 4 | 68 | -- | 21 | -- | 47 | 9.226 |
| Visually Impaired | 4 | 97 | -- | -- | -- | 97 | 3.854 |
| Speech and Language Impaired | 31 | 2006 | -- | -- | -- | 2006 | 41.300 |
| Gifted | -- | -- | -- | -- | -- | -- | ------ |
| Talented | -- | -- | -- | -- | -- | -- | ------ |
| Multihandicapped | -- | -- | -- | -- | -- | -- | ------ |
| Mixed Categories | 5 | 74 | -- | -- | 74 | -- | 39.467 |
| Detention (IU Only) | -- | -- | -- | -- | -- | -- | ------ |
| Sub Total | 93 | 2756 | 200 | 108 | 275 | 2173 | 458.758 |
| **SECONDARY** | | | | | | | |
| Educable Mentally Retarded | 13 | 198 | -- | 198 | -- | -- | 117.011 |
| Trainable Mentally Retarded | 7 | 67 | 67 | -- | -- | -- | 67.000 |
| Severely/Profoundly Mentally Retarded | -- | -- | -- | -- | -- | -- | ------ |
| Socially and Emotionally Disturbed | -- | -- | -- | -- | -- | -- | ------ |
| Physically Handicapped | 1 | 7 | 7 | -- | -- | -- | 7.000 |
| Brain Injured | -- | -- | -- | -- | -- | -- | ------ |
| Learning Disabled | 2 | 46 | -- | -- | 46 | -- | 5.667 |
| Hearing Impaired | -- | -- | -- | -- | -- | -- | ------ |
| Visually Impaired | -- | -- | -- | -- | -- | -- | ------ |
| Speech and Language Impaired | -- | -- | -- | -- | -- | -- | ------ |
| Gifted | -- | -- | -- | -- | -- | -- | ------ |
| Talented | -- | -- | -- | -- | -- | -- | ------ |
| Multihandicapped | -- | -- | -- | -- | -- | -- | ------ |
| Mixed Categories | 2 | 40 | -- | -- | 40 | -- | 11.250 |
| Detention (IU Only) | 2 | 82 | 82 | -- | -- | -- | 8.000 |
| Sub Total | 27 | 440 | 156 | 198 | 86 | -- | 215.928 |
| **GRAND TOTAL** | 120 | 3196 | 356 | 306 | 361 | 2173 | 674.686 |

*Must equal total number of pupils served.
Percentage equals time spent with special education teacher.

FOR DISTRICT AND INTERMEDIATE UNIT USE

I certify that the information contained herein is true and correct; further, that all special education programs and services and assignment of pupils are in accordance with State Board Regulations and standards of the Department of Education.

SIGNATURE · DISTRICT SPECIAL EDUCATION DIRECTOR (IF ASSIGNED) DATE

SIGNATURE · IU SPECIAL EDUCATION DIRECTOR (ALL REPORTS) DATE 4/3/78

SIGNATURE · DISTRICT SUPERINTENDENT OR IU EXECUTIVE DIRECTOR (AS APPLICABLE) DATE 4/3/78

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COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF EDUCATION DISTRICT COMPOSITE - REVISED 4/26/78

# ANNUAL SPECIAL EDUCATION REPORT

DEBE-284 (11/77)

OPERATING SCHOOL DISTRICT OR IU: Midwestern Intermediate Unit IV
IU NUMBER: 4
DATE: 4/26/78

*INSTRUCTIONS:* Each school district and intermediate unit conducting special education programs and services shall submit one copy of this form through the IU to the Bureau of Special Education, Division of Special Education, Box 911, Harrisburg, Pa. 17126. The initial report is due in the bureau no later than January 15 and shall represent those special education programs and services for which payment or reimbursement is expected from the State. Revisions will be accepted to May 1.

DIVISION OF SPECIAL EDUCATION

| CATEGORY OF SPECIAL EDUCATION | NUMBER OF CLASSES OR TEACHERS | TOTAL NUMBER OF PUPILS SERVED | PUPILS BY ORGANIZATIONAL PATTERN* | | | | TOTAL NUMBER OF EQUIVALENT FULL TIME ADM |
|---|---|---|---|---|---|---|---|
| | | | FULL TIME 80% + | PART-TIME 50% + | RESOURCE ROOM 50% – | ITINERANT 20% – | |
| **ELEMENTARY** | | | | | | | |
| Educable Mentally Retarded | 29 | 343 | 318 | 25 | - | - | 326.15 |
| Trainable Mentally Retarded | 8 | 84 | 84 | - | - | - | 84.00 |
| Severely/Profoundly Mentally Retarded | 1 | 9 | 9 | - | - | - | 9.00 |
| Socially and Emotionally Disturbed | 3 | 26 | 25 | 1 | - | - | 25.50 |
| Physically Handicapped | 3 | 23 | 23 | - | - | - | 22.00 |
| Brain Injured | | | | | | | |
| Learning Disabled | 16 | 273 | 21 | 21 | 231 | - | 142.17 |
| Hearing Impaired | 2 | 13 | - | 13 | - | - | 9.25 |
| Visually Impaired | | | | | | | |
| Speech and Language Impaired | 11.5 | 1188 | - | - | - | 1188 | 29.33 |
| Gifted | 16.87 | 547 | - | - | 414 | 133 | 90.07 |
| Talented | | | | | | | |
| Multihandicapped | | | | | | | |
| Mixed Categories | 1 | 12 | - | - | 12 | - | 4.80 |
| Detention (IU Only) | | | | | | | |
| Sub Total | 91.37 | 2518 | 480 | 60 | 657 | 1321 | 742.27 |
| **SECONDARY** | | | | | | | |
| Educable Mentally Retarded | 32 | 524 | 254 | 268 | 2 | - | 389.98 |
| Trainable Mentally Retarded | 2 | 20 | 20 | - | - | - | 20.00 |
| Severely/Profoundly Mentally Retarded | | | | | | | |
| Socially and Emotionally Disturbed | 5 | 55 | 55 | - | - | - | 54.00 |
| Physically Handicapped | 2 | 17 | 17 | - | - | - | 16.00 |
| Brain Injured | | | | | | | |
| Learning Disabled | 6 | 70 | - | 2 | 68 | - | 31.78 |
| Hearing Impaired | 1 | 9 | - | - | 9 | | 5.00 |
| Visually Impaired | | | | | | | |
| Speech and Language Impaired | .5 | 50 | - | - | - | 50 | 1.43 |
| Gifted | 9.53 | 299 | - | - | 192 | 107 | 47.36 |
| Talented | | | | | | | |
| Multihandicapped | | | | | | | |
| Mixed Categories | | | | | | | |
| Detention (IU Only) | | | | | | | |
| Sub Total | 58.03 | 1044 | 346 | 270 | 271 | 157 | 565.55 |
| **GRAND TOTAL** | 149.40 | 3562 | 826 | 330 | 928 | 1478 | 1307.82 |

FOR DISTRICT AND INTERMEDIATE UNIT USE

*Must equal total number of pupils served.
Percentage equals time spent with special education teacher

I certify that the information contained herein is true and correct; further, that all special education programs and services and assignment of pupils are in accordance with State Board Regulations and standards of the Department of Education.

SIGNATURE DISTRICT SPECIAL EDUCATION DIRECTOR (IF ASSIGNED) DATE

SIGNATURE IU SPECIAL EDUCATION DIRECTOR (ALL REPORTS) DATE 4/26/78

SIGNATURE DISTRICT SUPERINTENDENT OR IU EXECUTIVE DIRECTOR (AS APPLICABLE)

COMMONWEALTH OF PENNSYLVANIA - DEPARTMENT OF EDUCATION

## ANNUAL SPECIAL EDUCATION REPORT

DEBE-304 (11/77)

OPERATING SCHOOL DISTRICT OR IU: I.U. Operated

IU NUMBER: I.U. #5

DATE: 3/23/78

*INSTRUCTIONS:* Each school district and intermediate unit conducting special education programs and services shall submit one copy of this form through the IU to the Bureau of Special and Compensatory Education, Division of Special Education, Box 911, Harrisburg, Pa. 17126. The initial report is due in the bureau no later than January 15 and shall represent those special education programs and services for which payment or reimbursement is expected from the State. Revisions will be accepted to May 1.

| CATEGORY OF SPECIAL EDUCATION | NUMBER OF CLASSES OR TEACHERS | TOTAL NUMBER OF PUPILS SERVED | PUPILS BY ORGANIZATIONAL PATTERN* FULL TIME 80% + | PART-TIME 50% + | RESOURCE ROOM 50% − | ITINERANT 20% − | TOTAL NUMBER OF EQUIVALENT FULL TIME ADM |
|---|---|---|---|---|---|---|---|
| **ELEMENTARY** | | | | | | | |
| Educable Mentally Retarded | 13 | 157 | 157 | | | | 157 |
| Trainable Mentally Retarded | 8 | 67 | 67 | | | | 67 |
| Severely/Profoundly Mentally Retarded | 1 | 9 | 9 | | | | 9 |
| Socially and Emotionally Disturbed | 9 | 53 | 53 | | | | 53 |
| Physically Handicapped | 5 | 93 | 83 | 10 | | | 88 |
| Brain Injured | | | | | | | |
| Learning Disabled | 22 | 417 | 15 | 28 | 374 | | 132 |
| Hearing Impaired | 6 | 44 | 27 | | | 17 | 30 |
| Visually Impaired | 2 | 59 | | | | 59 | 8 |
| Speech and Language Impaired | 27 | 1520 | | | | 1520 | 54 |
| Gifted | 6 | 251 | | | | 251 | 25 |
| Talented | | | | | | | |
| Multihandicapped | | | | | | | |
| Mixed Categories | 6 | 61 | 50 | | 11 | | 56 |
| Detention (IU Only) | | | | | | | |
| Sub Total | 105 | 2731 | 461 | 38 | 385 | 1847 | 679 |
| **SECONDARY** | | | | | | | |
| Educable Mentally Retarded | 14 | 222 | 112 | 29 | | 81 | 105 |
| Trainable Mentally Retarded | 7 | 93 | 93 | | | | 93 |
| Severely/Profoundly Mentally Retarded | | | | | | | |
| Socially and Emotionally Disturbed | 7 | 67 | 67 | | | | 67 |
| Physically Handicapped | 1.5 | 10 | 7 | 3 | | | 8 |
| Brain Injured | | | | | | | |
| Learning Disabled | 8 | 163 | 5 | | 158 | | 48 |
| Hearing Impaired | | | | | | | |
| Visually Impaired | | | | | | | |
| Speech and Language Impaired | 1 | 102 | | | | 102 | 6 |
| Gifted | | | | | | | |
| Talented | | | | | | | |
| Multihandicapped | | | | | | | |
| Mixed Categories | 4.5 | 76 | 9 | 28 | 39 | | 25 |
| Detention (IU Only) | 2 | 16 | 16 | | | | 16 |
| Sub Total | 45 | 749 | 309 | 60 | 197 | 183 | 368 |
| **GRAND TOTAL** | 150 | 3480 | 770 | 98 | 582 | 2030 | 1047 |

*Must equal total number of pupils served.
Percentage equals time spent with special education teacher.

FOR DISTRICT AND INTERMEDIATE UNIT USE

I certify that the information contained herein is true and correct; further, that all special education programs and services and assignment of pupils are in accordance with State Board Regulations and standards of the Department of Education.

SIGNATURE - DISTRICT SPECIAL EDUCATION DIRECTOR (IF ASSIGNED) DATE

SIGNATURE - IU SPECIAL EDUCATION DIRECTOR (ALL REPORTS) DATE 3/29/78

SIGNATURE - DISTRICT SUPERINTENDENT OR IU EXECUTIVE DIRECTOR (AS APPLICABLE) DATE 3-29-78

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DISTRICT COMPOSITE

COMMONWEALTH OF PENNSYLVANIA - DEPARTMENT OF EDUCATION

## ANNUAL SPECIAL EDUCATION REPORT

DESE-384 (11/77)

OPERATING SCHOOL DISTRICT OR IU

IU NUMBER #5

DATE 3/29/78

*INSTRUCTIONS:* Each school district and intermediate unit conducting special education programs and services shall submit one copy of this form through the IU to the Bureau of Special and Compensatory Education, Division of Special Education, Box 911, Harrisburg, Pa. 17126. The initial report is due in the bureau no later than January 15 and shall represent those special education programs and services for which payment or reimbursement is expected from the State. Revisions will be accepted to May 1.

| CATEGORY OF SPECIAL EDUCATION | NUMBER OF CLASSES OR TEACHERS | TOTAL NUMBER OF PUPILS SERVED | PUPILS BY ORGANIZATIONAL PATTERN* | | | | TOTAL NUMBER OF EQUIVALENT FULL TIME ADM |
|---|---|---|---|---|---|---|---|
| | | | FULL TIME 80% + | PART-TIME 50% + | RESOURCE ROOM 50% – | ITINERANT 20% – | |
| **ELEMENTARY** | | | | | | | |
| Educable Mentally Retarded | 32 | 407 | 407 | | | | 326 |
| Trainable Mentally Retarded | 6 | 103 | 103 | | | | 96 |
| Severely/Profoundly Mentally Retarded | 1 | 22 | 22 | | | | 18 |
| Socially and Emotionally Disturbed | 3 | 15 | 15 | | | | 13 |
| Physically Handicapped | 3 | 25 | 25 | | | | 22 |
| Brain Injured | | | | | | | |
| Learning Disabled | 29 | 522 | 119 | | 299 | 104 | 229 |
| Hearing Impaired | 2 | 15 | 15 | | | | 13 |
| Visually Impaired | 1 | 4 | 4 | | | | 3 |
| Speech and Language Impaired | 13 | 1228 | | | | 1228 | 38 |
| Gifted | 5 | 282 | | | 98 | 184 | 31 |
| Talented | | | | | | | |
| Multihandicapped | | | | | | | |
| Mixed Categories | 2 | 27 | 27 | | | | 27 |
| Detention (IU Only) | | | | | | | |
| Sub Total | 97 | 2650 | 737 | | 397 | 1516 | 816 |
| **SECONDARY** | | | | | | | |
| Educable Mentally Retarded | 48.5 | 728 | 498 | 214 | 16 | | 581 |
| Trainable Mentally Retarded | 5 | 58 | 58 | | | | 51 |
| Severely/Profoundly Mentally Retarded | | | | | | | |
| Socially and Emotionally Disturbed | 6 | 51 | 51 | | | | 45 |
| Physically Handicapped | 1 | 10 | | | 10 | | 6 |
| Brain Injured | | | | | | | |
| Learning Disabled | 10.5 | 162 | 14 | | 108 | 40 | 66 |
| Hearing Impaired | 2 | 20 | | | 20 | | 10 |
| Visually Impaired | 1 | 9 | | | 9 | | 6 |
| Speech and Language Impaired | 3 | 206 | | | | 206 | 9 |
| Gifted | 6.5 | 151 | | | 58 | 93 | 27 |
| Talented | 5 | 140 | | | | 140 | 17 |
| Multihandicapped | 1 | 4 | 4 | | | | 3 |
| Mixed Categories | 2 | 29 | | | 29 | | 15 |
| Detention (IU Only) | | | | | | | |
| Sub Total | 91.5 | 1568 | 625 | 214 | 250 | 479 | 836 |
| **GRAND TOTAL** | 188.5 | 4218 | 1362 | 214 | 647 | 1995 | 1652 |

FOR DISTRICT AND INTERMEDIATE UNIT USE

*Must equal total number of pupils served. Percentage equals time spent with special education teacher.

I certify that the information contained herein is true and correct; further, that all special education programs and services and assignment of pupils are in accordance with State Board Regulations and standards of the Department of Education.

SIGNATURE - DISTRICT SPECIAL EDUCATION DIRECTOR (IF ASSIGNED) DATE

SIGNATURE - IU SPECIAL EDUCATION DIRECTOR (ALL REPORTS) DATE

3/29/78

SIGNATURE - DISTRICT SUPERINTENDENT OR IU EXECUTIVE DIRECTOR (AS APPLICABLE) DATE

Kenneth D. Frantz 3-29-78

COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF EDUCATION

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DIVISION OF
SPECIAL EDUCATION

# ANNUAL SPECIAL EDUCATION REPORT

DEBE-284 (11/77)

OPERATING SCHOOL DISTRICT OR IU: Clarion Manor Intermediate Unit (06)

IU NUMBER: 06

DATE: May 5, 1978

*INSTRUCTIONS:* Each school district and intermediate unit conducting special education programs and services shall submit one copy of this form through the IU to the Bureau of Special and Compensatory Education, Division of Special Education, Box 911, Harrisburg, Pa. 17126. The initial report is due in the bureau no later than January 15 and shall represent all special education programs and services for which payment or reimbursement is expected from the State. Revisions will be accepted to May 1.

| CATEGORY OF SPECIAL EDUCATION | NUMBER OF CLASSES OR TEACHERS | TOTAL NUMBER OF PUPILS SERVED | PUPILS BY ORGANIZATIONAL PATTERN* FULL TIME 80% + | PART-TIME 50% + | RESOURCE ROOM 50% – | ITINERANT 20% – | TOTAL NUMBER OF EQUIVALENT FULL TIME ADM |
|---|---|---|---|---|---|---|---|
| **ELEMENTARY** | | | | | | | |
| Educable Mentally Retarded | 1 | 11 | 11 | | | | 10 |
| Trainable Mentally Retarded | 5 | 51 | 51 | | | | 51 |
| Severely/Profoundly Mentally Retarded | 3 | 22 | 22 | | | | 22 |
| Socially and Emotionally Disturbed | 3 | 24 | 24 | | | | 20 |
| Physically Handicapped | 3 | 23 | 23 | | | | 21 |
| Brain Injured | | | | | | | |
| Learning Disabled | 4 | 43 | 43 | | | | 38 |
| Hearing Impaired | 4 | 57 | 12 | | | 45 | 14 |
| Visually Impaired | 2 | 38 | | | | 38 | 2 |
| Speech and Language Impaired | 23 | 1778 | | | | 1778 | 39 |
| Gifted | 5 * | 115 | | | | 115 | 5 |
| Talented | | | | | | | |
| Multihandicapped | | | | | | | |
| Mixed Categories | | | | | | | |
| Detention (IU Only) | | | | | | | |
| Sub Total | 53 | 2162 | 186 | 0 | 0 | 1976 | 222 |
| **SECONDARY** | | | | | | | |
| Educable Mentally Retarded | | | | | | | |
| Trainable Mentally Retarded | 11 | 121 | 121 | | | | 114 |
| Severely/Profoundly Mentally Retarded | 14 | 117 | 117 | | | | 117 |
| Socially and Emotionally Disturbed | | | | | | | |
| Physically Handicapped | | | | | | | |
| Brain Injured | | | | | | | |
| Learning Disabled | | | | | | | |
| Hearing Impaired | | | | | | | |
| Visually Impaired | | | | | | | |
| Speech and Language Impaired | | | | | | | |
| Gifted | | | | | | | |
| Talented | | 4 | 4 | (Governor's School for the Arts) | | | |
| Multihandicapped | | | | | | | |
| Mixed Categories | | | | | | | |
| Detention (IU Only) | | | | | | | |
| Sub Total | 25 | 242 | 242 | 0 | 0 | 0 | 231 |
| GRAND TOTAL | 78 | 2404 | 428 | 0 | 0 | 1976 | 453 |

FOR DISTRICT AND INTERMEDIATE UNIT USE    * PART TIME

*Must equal total number of pupils served.
Percentages equals time spent with special education teacher

I certify that the information contained herein is true and correct; further, that all special education programs and services and assignment of pupils are in accordance with State Board Regulations and standards of the Department of Education.

SIGNATURE - DISTRICT SPECIAL EDUCATION DIRECTOR (IF ASSIGNED)    DATE

SIGNATURE - IU SPECIAL EDUCATION DIRECTOR (ALL REPORTS)    DATE
John E Bower Jr.    May 5, 1978

SIGNATURE - DISTRICT SUPERINTENDENT OR IU EXECUTIVE DIRECTOR (AS APPLICABLE)    DATE
Edgar L Lauter    May 5, 1978

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DISTRICT COMPOSITE 1977-1978

COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF EDUCATION

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SPECIAL EDUCATION

## ANNUAL SPECIAL EDUCATION REPORT

DEBE-364 (11/77)

OPERATING SCHOOL DISTRICT OR IU: Clarion Manor Intermediate Unit ( 06 )

IU NUMBER: 06

DATE: May 5, 1978

*INSTRUCTIONS:* Each school district and intermediate unit conducting special education programs and services shall submit one copy of this form through the IU to the Bureau of Special and Compensatory Education, Division of Special Education, Box 911, Harrisburg, Pa. 17126. The initial report is due in the bureau no later than January 15 and shall represent those special education programs and services for which payment or reimbursement is expected from the State. Revisions will be accepted to May 1.

| CATEGORY OF SPECIAL EDUCATION | NUMBER OF CLASSES OR TEACHERS | TOTAL NUMBER OF PUPILS SERVED | PUPILS BY ORGANIZATIONAL PATTERN* | | | | TOTAL NUMBER OF EQUIVALENT FULL TIME ADM |
|---|---|---|---|---|---|---|---|
| | | | FULL TIME 80% + | PART-TIME 50% + | RESOURCE ROOM 50% – | ITINERANT 20% – | |
| **ELEMENTARY** | | | | | | | |
| Educable Mentally Retarded | 29 | 369 | 369 | 0 | 0 | 0 | 346 |
| Trainable Mentally Retarded | 2 | 25 | 25 | 0 | 0 | 0 | 25 |
| Severely/Profoundly Mentally Retarded | | | | | | | |
| Socially and Emotionally Disturbed | | | | | | | |
| Physically Handicapped | | | | | | | |
| Brain Injured | | | | | | | |
| Learning Disabled | 15 | 314 | 39 | 99 | 101 | 75 | 140.8 |
| Hearing Impaired | | | | | | | |
| Visually Impaired | | | | | | | |
| Speech and Language Impaired | 2 | 187 | 0 | 0 | 0 | 187 | 2.8 |
| Gifted | * 4.5 | 160 | 0 | 0 | 30 | 130 | 34.1 |
| Talented | | | | | | | |
| Multihandicapped | | | | | | | |
| Mixed Categories | 1 | 14 | 14 | 0 | 0 | 0 | 14 |
| Detention (IU Only) | | | | | | | |
| Sub Total | 53.5 | 1069 | 447 | 99 | 131 | 392 | 562.7 |
| **SECONDARY** | | | | | | | |
| Educable Mentally Retarded | 25 | 475 | 123 | 341 | 11 | 0 | 323.91 |
| Trainable Mentally Retarded | | | | | | | |
| Severely/Profoundly Mentally Retarded | | | | | | | |
| Socially and Emotionally Disturbed | | | | | | | |
| Physically Handicapped | | | | | | | |
| Brain Injured | | | | | | | |
| Learning Disabled | 4.5 | 99 | 0 | 16 | 83 | 0 | 31.5 |
| Hearing Impaired | | | | | | | |
| Visually Impaired | | | | | | | |
| Speech and Language Impaired | | | | | | | |
| Gifted | * 3 | 152 | 0 | 0 | 22 | 130 | 11 |
| Talented | | | | | | | |
| Multihandicapped | | | | | | | |
| Mixed Categories | 2 | 34 | 0 | 34 | 0 | 0 | 25.5 |
| Detention (IU Only) | | | | | | | |
| Sub Total | 34.5 | 760 | 123 | 391 | 116 | 130 | 391.91 |
| **GRAND TOTAL** | 88 | 1829 | 570 | 490 | 247 | 522 | 954.61 |

FOR DISTRICT AND INTERMEDIATE UNIT USE * PART TIME

*Must equal total number of pupils served.
Percentage equals time spent with special education teacher.

I certify that the information contained herein is true and correct; further, that all special education programs and services and assignment of pupils are in accordance with State Board Regulations and standards of the Department of Education.

SIGNATURE - DISTRICT SPECIAL EDUCATION DIRECTOR (IF ASSIGNED) DATE

SIGNATURE - IU SPECIAL EDUCATION DIRECTOR (ALL REPORTS): John E. Bomer Jr. DATE: May 5, 1978

SIGNATURE - DISTRICT SUPERINTENDENT OR IU EXECUTIVE DIRECTOR (AS APPLICABLE): Edgar L. Lawton DATE: May 5, 1978

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COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF EDUCATION

# ANNUAL SPECIAL EDUCATION REPORT

SEBE-294 (11/77)

OPERATING SCHOOL DISTRICT OR IU: Westmoreland IU

IU NUMBER: 7

DATE: 1/23/78

*INSTRUCTIONS:* Each school district and intermediate unit conducting special education programs and services shall submit one copy of this form through the IU to the Bureau of Special and Compensatory Education, Division of Special Education, Box 911, Harrisburg, Pa. 17126. The initial report is due in the bureau no later than January 15 and shall represent those special education programs and services for which payment or reimbursement is expected from the State. Revisions will be accepted to May 1.

| CATEGORY OF SPECIAL EDUCATION | NUMBER OF CLASSES OR TEACHERS | TOTAL NUMBER OF PUPILS SERVED | PUPILS BY ORGANIZATIONAL PATTERN* | | | | TOTAL NUMBER OF EQUIVALENT FULL TIME ADM |
|---|---|---|---|---|---|---|---|
| | | | FULL TIME 80% + | PART-TIME 50% + | RESOURCE ROOM 20% − | ITINERANT 20% − | |
| **ELEMENTARY** | | | | | | | |
| Educable Mentally Retarded | 39 | 459 | 403 | 32 | 24 | | 418.000 |
| Trainable Mentally Retarded | 9 | 94 | 94 | | | | 90.000 |
| Severely/Profoundly Mentally Retarded | 4 | 27 | 27 | | | | 24.000 |
| Socially and Emotionally Disturbed | 11 | 80 | 71 | | 9 | | 66.000 |
| Physically Handicapped | 4 | 32 | 32 | | | | 28.000 |
| Brain Injured | | | | | | | |
| Learning Disabled | 15 | 273 | 42 | 17 | 169 | 45 | 96.500 |
| Hearing Impaired | 7 | 112 | 18 | | | 94 | 32.000 |
| Visually Impaired | 6 | 114 | | | | 114 | 24.000 |
| Speech and Language Impaired | 44 | 3841 | | | | 3841 | 176.000 |
| Gifted | 18 | 821 | | | | 821 | 72.000 |
| Talented | | | | | | | |
| Multihandicapped | | | | | | | |
| Mixed Categories | 6 | 89 | | | 40 | 49 | 30.000 |
| Detention (IU Only) | | | | | | | |
| Sub Total | 163 | 5942 | 687 | 49 | 242 | 4964 | 1056.500 |
| **SECONDARY** | | | | | | | |
| Educable Mentally Retarded | 46 | 685 | 516 | 169 | | | 624.000 |
| Trainable Mentally Retarded | 14 | 194 | 194 | | | | 190.000 |
| Severely/Profoundly Mentally Retarded | 3 | 19 | 19 | | | | 16,000 |
| Socially and Emotionally Disturbed | 2 | 33 | 9 | | 24 | | 14.000 |
| Physically Handicapped | 1 | 10 | 10 | | | | 8.000 |
| Brain Injured | | | | | | | |
| Learning Disabled | 1 | 18 | | | 18 | | 6.000 |
| Hearing Impaired | 3 | 39 | 5 | | | 34 | 13.000 |
| Visually Impaired | | | | | | | |
| Speech and Language Impaired | 2 | 120 | | | | 120 | 8.000 |
| Gifted | 2 | 50 | | | | 50 | 8.000 |
| Talented | | | | | | | |
| Multihandicapped | | | | | | | |
| Mixed Categories | 7 | 115 | | | 115 | | 42.000 |
| Detention (IU Only) | 1 | 5 | 5 | | | | 4.000 |
| Sub Total | 82 | 1288 | 738 | 169 | 137 | 204 | 933.000 |
| **GRAND TOTAL** | 245 | 7230 | 1445 | 218 | 399 | 5168 | 1989.500 |

FOR DISTRICT AND INTERMEDIATE UNIT USE

*Must equal total number of pupils served.
Percentage equals time spent with special education teacher.

I certify that the information contained herein is true and correct; further, that all special education programs and services and assignment of pupils are in accordance with State Board Regulations and standards of the Department of Education.

SIGNATURE - DISTRICT SPECIAL EDUCATION DIRECTOR (IF ASSIGNED) DATE

SIGNATURE - IU SPECIAL EDUCATION DIRECTOR (ALL REPORTS) C. E. Hampton DATE 1-30-78

SIGNATURE - DISTRICT SUPERINTENDENT OR IU EXECUTIVE DIRECTOR (AS APPLICABLE) Gerald R. Orr DATE 1-30-78

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COMMONWEALTH OF PENNSYLVANIA - DEPARTMENT OF EDUCATION

# ANNUAL SPECIAL EDUCATION REPORT

DESE-264 (11/77)

OPERATING SCHOOL DISTRICT OR IU: Districts' Consolidated Report

IU NUMBER: 7

DATE: 1/31/78

*INSTRUCTIONS:* Each school district and intermediate unit conducting special education programs and services shall submit one copy of this form through the IU to the Bureau of Special and Compensatory Education, Division of Special Education, Box 911, Harrisburg, Pa. 17126. The initial report is due in the bureau no later than January 15 and shall represent those special education programs and services for which payment or reimbursement is expected from the State. Revisions will be accepted to May 1.

| CATEGORY OF SPECIAL EDUCATION | NUMBER OF CLASSES OR TEACHERS | TOTAL NUMBER OF PUPILS SERVED | PUPILS BY ORGANIZATIONAL PATTERN* | | | | TOTAL NUMBER OF EQUIVALENT FULL TIME ADM |
|---|---|---|---|---|---|---|---|
| | | | FULL TIME 85% + | PART-TIME 50% + | RESOURCE ROOM 50% − | ITINERANT 25% − | |
| ELEMENTARY | | | | | | | |
| Educable Mentally Retarded | 4 | 50 | 50 | | | | 48.000 |
| Trainable Mentally Retarded | | | | | | | |
| Severely/Profoundly Mentally Retarded | | | | | | | |
| Socially and Emotionally Disturbed | | | | | | | |
| Physically Handicapped | | | | | | | |
| Brain Injured | | | | | | | |
| Learning Disabled | 6 | 115 | | 10 | 105 | | 70.600 |
| Hearing Impaired | | 5 | | | | 5 | .200 |
| Visually Impaired | | | | | | | |
| Speech and Language Impaired | 1 | 93 | | | | 93 | |
| Gifted | 3 | 132 | | | | 132 | 16.800 |
| Talented | | | | | | | |
| Multihandicapped | | | | | | | |
| Mixed Categories | 4 | 75 | | 15 | 60 | | 30.000 |
| Detention (IU Only) | | | | | | | |
| Sub Total | 18 | 470 | 50 | 25 | 165 | 230 | 165.600 |
| SECONDARY | | | | | | | |
| Educable Mentally Retarded | 12 | 165 | 90 | 75 | | | 154.000 |
| Trainable Mentally Retarded | | | | | | | |
| Severely/Profoundly Mentally Retarded | | | | | | | |
| Socially and Emotionally Disturbed | | | | | | | |
| Physically Handicapped | | | | | | | |
| Brain Injured | | | | | | | |
| Learning Disabled | 2 | 44 | | | 44 | | 20.240 |
| Hearing Impaired | | | | | | | |
| Visually Impaired | | | | | | | |
| Speech and Language Impaired | | | | | | | |
| Gifted | 1 | 64 | | | | 64 | 6.000 |
| Talented | | | | | | | |
| Multihandicapped | | | | | | | |
| Mixed Categories | | | | | | | |
| Detention (IU Only) | | | | | | | |
| Sub Total | 15 | 273 | 90 | 75 | 44 | 64 | 180.240 |
| GRAND TOTAL | 33 | 743 | 140 | 100 | 209 | 294 | 345.840 |

FOR DISTRICT AND INTERMEDIATE UNIT USE

*Must equal total number of pupils served.
Percentage equals time spent with special education teacher.

I certify that the information contained herein is true and correct; further, that all special education programs and services and assignment of pupils are in accordance with State Board Regulations and standards of the Department of Education.

SIGNATURE - DISTRICT SPECIAL EDUCATION DIRECTOR (IF ASSIGNED) DATE

SIGNATURE - IU SPECIAL EDUCATION DIRECTOR (ALL REPORTS) DATE

C E Hampton 1-30-78

SIGNATURE - DISTRICT SUPERINTENDENT OR IU EXECUTIVE DIRECTOR (AS APPLICABLE) DATE

1/30/78

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COMMONWEALTH OF PENNSYLVANIA   DEPARTMENT OF EDUCATION

## ANNUAL SPECIAL EDUCATION REPORT

DEBE-284 (11/77)

OPERATING SCHOOL DISTRICT OR IU: Appalachia Intermediate Unit
IU NUMBER: 08
DATE: January 13, 1978

*INSTRUCTIONS:* Each school district and intermediate unit conducting special education programs and services shall submit one copy of this form through the IU to the Bureau of Special and Compensatory Education, Division of Special Education, Box 911, Harrisburg, Pa. 17126. The initial report is due in the bureau no later than January 15 and shall represent those special education programs and services for which payment or reimbursement is expected from the State. Revisions will be accepted to May 1.

| CATEGORY OF SPECIAL EDUCATION | NUMBER OF CLASSES OR TEACHERS | TOTAL NUMBER OF PUPILS SERVED | PUPILS BY ORGANIZATIONAL PATTERN* | | | | TOTAL NUMBER OF EQUIVALENT FULL TIME ADM |
|---|---|---|---|---|---|---|---|
| | | | FULL TIME 80% + | PART-TIME 50% + | RESOURCE ROOM 50% – | ITINERANT 20% – | |
| **ELEMENTARY** | | | | | | | |
| Educable Mentally Retarded | 34 | 391 | 391 | | | | 391 |
| Trainable Mentally Retarded | 13 | 126 | 126 | | | | 126 |
| Severely/Profoundly Mentally Retarded | 15 | 104 | 91 | | | 13 | 104 |
| Socially and Emotionally Disturbed | 5 | 30 | 13 | 5 | | 12 | 25 |
| Physically Handicapped | 1 | 10 | 10 | | | | 10 |
| Brain Injured | 2 | 16 | 16 | | | | 16 |
| Learning Disabled | 29 | 352 | 126 | 80 | 87 | 59 | 238 |
| Hearing Impaired | 14 | 232 | 14 | | 11 | 207 | 63 |
| Visually Impaired | 2 | 46 | | | | 46 | 8 |
| Speech and Language Impaired | 41 | 2367 | | | | 2367 | 134 |
| Gifted | 19 | 679 | 150 | 49 | 32 | 448 | 238 |
| Talented | | | | | | | |
| Multihandicapped | | | | | | | |
| Mixed Categories | 1 | 6 | 6 | | | | 6 |
| Detention (IU Only) | | | | | | | |
| Sub Total | 176 | 4359 | 943 | 134 | 130 | 3152 | 1359 |
| **SECONDARY** | | | | | | | |
| Educable Mentally Retarded | 42 | 500 | 118 | 382 | | | 279 |
| Trainable Mentally Retarded | 28 | 227 | 227 | | | | 227 |
| Severely/Profoundly Mentally Retarded | 65 | 386 | 386 | | | | 386 |
| Socially and Emotionally Disturbed | 2 | 15 | 6 | 9 | | | 13 |
| Physically Handicapped | 2 | 15 | 15 | | | | 15 |
| Brain Injured | 1 | 8 | 8 | | | | 8 |
| Learning Disabled | 6 | 107 | 5 | 26 | 76 | | 35 |
| Hearing Impaired | | | | | | | |
| Visually Impaired | | | | | | | |
| Speech and Language Impaired | | | | | | | |
| Gifted | 2 | 58 | | | 58 | | 23 |
| Talented | | | | | | | |
| Multihandicapped | | | | | | | |
| Mixed Categories | 1 | 14 | | 14 | | | 11 |
| Detention (IU Only) | 2 | 330 | 330 | | | | 10 |
| Sub Total | 151 | 1660 | 1095 | 431 | 134 | | 1007 |
| **GRAND TOTAL** | 327 | 6019 | 2038 | 565 | 264 | 3152 | 2366 |

FOR DISTRICT AND INTERMEDIATE UNIT USE

*Must equal total number of pupils served.
Percentage equals time spent with special education teacher.

I certify that the information contained herein is true and correct; further, that all special education programs and services and assignment of pupils are in accordance with State Board Regulations and standards of the Department of Education.

SIGNATURE   DISTRICT SPECIAL EDUCATION DIRECTOR (IF ASSIGNED)   DATE

SIGNATURE   IU SPECIAL EDUCATION DIRECTOR (ALL REPORTS)   DATE
Earl E Bonnitt   1/11/78

SIGNATURE   ~~DISTRICT SUPERINTENDENT OR~~ IU EXECUTIVE DIRECTOR (AS APPLICABLE)   DATE
George E. [illegible]   1/12/78

COMMONWEALTH OF PENNSYLVANIA · DEPARTMENT OF EDUCATION

## ANNUAL SPECIAL EDUCATION REPORT

DEBE-284 (11/77)

OPERATING SCHOOL DISTRICT OR IU: DISTRICT SUMMARY

IU NUMBER: 08

DATE: January 12, 1978

*INSTRUCTIONS:* Each school district and intermediate unit conducting special education programs and services shall submit one copy of this form through the IU to the Bureau of Special and Compensatory Education, Division of Special Education, Box 911, Harrisburg, Pa. 17126. The initial report is due in the bureau no later than January 15 and shall represent those special education programs and services for which payment or reimbursement is expected from the State. Revisions will be accepted to May 1.

| CATEGORY OF SPECIAL EDUCATION | NUMBER OF CLASSES OR TEACHERS | TOTAL NUMBER OF PUPILS SERVED | PUPILS BY ORGANIZATIONAL PATTERN* | | | | TOTAL NUMBER OF EQUIVALENT FULL TIME ADM |
|---|---|---|---|---|---|---|---|
| | | | FULL TIME 80% + | PART-TIME 50% + | RESOURCE ROOM 50% − | ITINERANT 20% − | |
| **ELEMENTARY** | | | | | | | |
| Educable Mentally Retarded | 21 | 303 | 282 | 21 | | | 286.5 |
| Trainable Mentally Retarded | 2 | 24 | 24 | | | | 24 |
| Severely/Profoundly Mentally Retarded | 3 | 25 | 25 | | | | 25 |
| Socially and Emotionally Disturbed | 3 | 29 | 29 | | | | 29 |
| Physically Handicapped | 2 | 22 | 22 | | | | 22 |
| Brain Injured | | | | | | | |
| Learning Disabled | 12.5 | 138 | 100 | 20 | | 18 | 114.5 |
| Hearing Impaired | | | | | | | |
| Visually Impaired | | | | | | | |
| Speech and Language Impaired | 6.5 | 454 | | | | 454 | 18.1 |
| Gifted | 13 | 222 | 222 | | | | 219 |
| Talented | | | | | | | |
| Multihandicapped | | | | | | | |
| Mixed Categories | | | | | | | |
| Detention (IU Only) | | | | | | | |
| Sub Total | 63 | 1217 | 704 | 41 | | 472 | 738.1 |
| **SECONDARY** | | | | | | | |
| Educable Mentally Retarded | 15 | 364 | 135 | 229 | | | 286.5 |
| Trainable Mentally Retarded | 2 | 30 | 30 | | | | 30 |
| Severely/Profoundly Mentally Retarded | | | | | | | |
| Socially and Emotionally Disturbed | | | | | | | |
| Physically Handicapped | | | | | | | |
| Brain Injured | | | | | | | |
| Learning Disabled | 2.5 | 46 | 8 | 20 | | 18 | 24.5 |
| Hearing Impaired | | | | | | | |
| Visually Impaired | | | | | | | |
| Speech and Language Impaired | 1.5 | 42 | | | | 42 | 1.6 |
| Gifted | 6 | 140 | | 140 | | | 77 |
| Talented | | | | | | | |
| Multihandicapped | | | | | | | |
| Mixed Categories | | | | | | | |
| Detention (IU Only) | | | | | | | |
| Sub Total | 27 | 622 | 173 | 389 | | 60 | 419.6 |
| **GRAND TOTAL** | 90 | 1839 | 877 | 430 | | 532 | 1157.7 |

FOR DISTRICT AND INTERMEDIATE UNIT USE

*Must equal total number of pupils served.
Percentage equals time spent with special education teacher.

I certify that the information contained herein is true and correct; further, that all special education programs and services and assignment of pupils are in accordance with State Board Regulations and standards of the Department of Education.

SIGNATURE · DISTRICT SPECIAL EDUCATION DIRECTOR (IF ASSIGNED) DATE

SIGNATURE · IU SPECIAL EDUCATION DIRECTOR (ALL REPORTS) DATE

Earl E. Bonnett 1/12/78

SIGNATURE · DISTRICT SUPERINTENDENT OR IU EXECUTIVE DIRECTOR (AS APPLICABLE) DATE

973

COMMONWEALTH OF PENNSYLVANIA · DEPARTMENT OF EDUCATION

## ANNUAL SPECIAL EDUCATION REPORT

DEBE-264 (11/77)

OPERATING SCHOOL DISTRICT OR IU: Seneca Highlands Intermediate Unit

IU NUMBER: Nine

DATE: 1/16/78

*INSTRUCTIONS:* Each school district and intermediate unit conducting special education programs and services shall submit one copy of this form through the IU to the Bureau of Special and Compensatory Education, Division of Special Education, Box 911, Harrisburg, Pa. 17126. The initial report is due in the bureau no later than January 15 and shall represent those special education programs and services for which payment or reimbursement is expected from the State. Revisions will be accepted to May 1.

| CATEGORY OF SPECIAL EDUCATION | NUMBER OF CLASSES OR TEACHERS | TOTAL NUMBER OF PUPILS SERVED | PUPILS BY ORGANIZATIONAL PATTERN* | | | | TOTAL NUMBER OF EQUIVALENT FULL TIME ADM |
|---|---|---|---|---|---|---|---|
| | | | FULL TIME 80% + | PART-TIME 50% + | RESOURCE ROOM 50% – | ITINERANT 20% – | |
| **ELEMENTARY** | | | | | | | |
| Educable Mentally Retarded | 14 | 179 | 179 | | | | 179.0 |
| Trainable Mentally Retarded | 3 | 29 | 29 | | | | 29.0 |
| Severely/Profoundly Mentally Retarded | 1 | 4 | 4 | | | | 4.0 |
| Socially and Emotionally Disturbed | 1 | 12 | 12 | | | | 12.0 |
| Physically Handicapped | 1 | 11 | 11 | | | | 11.0 |
| Brain Injured | 12 | 145 | 145 | | | | 145.0 |
| Learning Disabled | 11 | 307 | | | 41 | 266 | 37.09 |
| Hearing Impaired | 3 | 28 | 6 | | | 22 | 7.32 |
| Visually Impaired | 1 | 5 | | | | 5 | .30 |
| Speech and Language Impaired | 12 | 986 | | | | 986 | 31.23 |
| Gifted | 3 | 104 | | | | 104 | 10.40 |
| Talented | | | | | | | |
| Multihandicapped | 1 | 6 | 6 | | | | 6.0 |
| Mixed Categories | | | | | | | |
| Detention (IU Only) | | | | | | | |
| Sub Total | 63 | 1816 | 392 | | 41 | 1383 | 472.34 |
| **SECONDARY** | | | | | | | |
| Educable Mentally Retarded | 19 | 322 | | 322 | | | 161.0 |
| Trainable Mentally Retarded | 4 | 39 | 39 | | | | 39.0 |
| Severely/Profoundly Mentally Retarded | | | | | | | |
| Socially and Emotionally Disturbed | | | | | | | |
| Physically Handicapped | 1 | 8 | 8 | | | | 8.0 |
| Brain Injured | | | | | | | |
| Learning Disabled | 4 | 113 | | | 81 | 32 | 16.99 |
| Hearing Impaired | | 7 | | | | 7 | .42 |
| Visually Impaired | | 10 | | | | 10 | .60 |
| Speech and Language Impaired | 1 | 86 | | | | 86 | 2.58 |
| Gifted | 2 | 54 | | | | 54 | 5.4 |
| Talented | | | | | | | |
| Multihandicapped | 1 | 5 | 5 | | | | 5.0 |
| Mixed Categories | | | | | | | |
| Detention (IU Only) | | | | | | | |
| Sub Total | 32 | 644 | 52 | 322 | 81 | 189 | 238.99 |
| **GRAND TOTAL** | 95 | 2460 | 444 | 322 | 122 | 1572 | 711.33 |

FOR DISTRICT AND INTERMEDIATE UNIT USE

*Must equal total number of pupils served.
Percentage equals time spent with special education teacher.

I certify that the information contained herein is true and correct; further, that all special education programs and services and assignment of pupils are in accordance with State Board Regulations and standards of the Department of Education.

SIGNATURE · DISTRICT SPECIAL EDUCATION DIRECTOR (IF ASSIGNED) DATE

SIGNATURE · IU SPECIAL EDUCATION DIRECTOR (ALL REPORTS) DATE 1/18/78

SIGNATURE · DISTRICT SUPERINTENDENT OR IU EXECUTIVE DIRECTOR (AS APPLICABLE) DATE

COMMONWEALTH OF PENNSYLVANIA - DEPARTMENT OF EDUCATION

## ANNUAL SPECIAL EDUCATION REPORT

DEBE-284 (11/77)

OPERATING SCHOOL DISTRICT OR IU: Combined School Districts

IU NUMBER: Nine

DATE: 6/20/78

*INSTRUCTIONS:* Each school district and intermediate unit conducting special education programs and services shall submit one copy of this form through the IU to the Bureau of Special and Compensatory Education, Division of Special Education, Box 911, Harrisburg, Pa. 17126. The initial report is due in the bureau no later than January 15 and shall represent those special education programs and services for which payment or reimbursement is expected from the State. Revisions will be accepted to May 1.

| CATEGORY OF SPECIAL EDUCATION | NUMBER OF CLASSES OR TEACHERS | TOTAL NUMBER OF PUPILS SERVED | PUPILS BY ORGANIZATIONAL PATTERN* | | | | TOTAL NUMBER OF EQUIVALENT FULL TIME ADM |
|---|---|---|---|---|---|---|---|
| | | | FULL TIME 80% + | PART-TIME 50% + 75% | RESOURCE ROOM 50% – | ITINERANT 20% – | |
| ELEMENTARY | | | | | | | |
| Educable Mentally Retarded | 4 | 63 | 38 | 19 | 6 | | 55.2 |
| Trainable Mentally Retarded | 1 | 9 | 9 | | | | 9 |
| Severely/Profoundly Mentally Retarded | 1 | 8 | 8 | | | | 8 |
| Socially and Emotionally Disturbed | | | | | | | |
| Physically Handicapped | | | | | | | |
| Brain Injured | | | | | | | |
| Learning Disabled | | | | | | | |
| Hearing Impaired | | | | | | | |
| Visually Impaired | | | | | | | |
| Speech and Language Impaired | 2.3 | 202 | | | | 202 | 6.1 |
| Gifted | 1 | 48 | | | | 48 | 2.4 |
| Talented | | | | | | | |
| Multihandicapped | | | | | | | |
| Mixed Categories | | | | | | | |
| Detention (IU Only) | | | | | | | |
| Sub Total | 9.3 | 330 | 55 | 19 | 6 | 250 | 80.7 |
| SECONDARY | | | | | | | |
| Educable Mentally Retarded | 5.5 | 83 | 69 | 14 | | | 79.5 |
| Trainable Mentally Retarded | 2.5 | 24 | 24 | | | | 24 |
| Severely/Profoundly Mentally Retarded | 1 | 8 | 8 | | | | 8 |
| Socially and Emotionally Disturbed | | | | | | | |
| Physically Handicapped | | | | | | | |
| Brain Injured | | | | | | | |
| Learning Disabled | | | | | | | |
| Hearing Impaired | | | | | | | |
| Visually Impaired | | | | | | | |
| Speech and Language Impaired | .1 | 9 | | | | 9 | .3 |
| Gifted | | | | | | | |
| Talented | | | | | | | |
| Multihandicapped | | | | | | | |
| Mixed Categories | | | | | | | |
| Detention (IU Only) | | | | | | | |
| Sub Total | 9.1 | 124 | 101 | 14 | | 9 | 111.8 |
| GRAND TOTAL | 18.4 | 454 | 156 | 33 | 6 | 259 | 192.5 |

FOR DISTRICT AND INTERMEDIATE UNIT USE

*Must equal total number of pupils served.
Percentage equals time spent with special education teacher.

I certify that the information contained herein is true and correct; further, that all special education programs and services and assignment of pupils are in accordance with State Board Regulations and standards of the Department of Education.

SIGNATURE - ~~DISTRICT~~ SPECIAL EDUCATION DIRECTOR (IF ASSIGNED) DATE

Michael J Gamble 6/23/78

SIGNATURE - IU SPECIAL EDUCATION DIRECTOR (ALL REPORTS) DATE

SIGNATURE - DISTRICT SUPERINTENDENT OR IU EXECUTIVE DIRECTOR (AS APPLICABLE) DATE

6/23/78

BEST AVAILABLE COPY

COMMONWEALTH OF PENNSYLVANIA · DEPARTMENT OF EDUCATION

## ANNUAL SPECIAL EDUCATION REPORT

DESE-284 (11/77)

OPERATING SCHOOL DISTRICT OR IU: Central Intermediate Unit
IU NUMBER: 10
DATE: 2-6-78

*INSTRUCTIONS:* Each school district and intermediate unit conducting special education programs and services shall submit one copy of this form through the IU to the Bureau of Special and Compensatory Education, Division of Special Education, Box 911, Harrisburg, Pa. 17126. The initial report is due in the bureau no later than January 15 and shall represent those special education programs and services for which payment or reimbursement is expected from the State. Revisions will be accepted to May 1.

| CATEGORY OF SPECIAL EDUCATION | NUMBER OF CLASSES OR TEACHERS | TOTAL NUMBER OF PUPILS SERVED | PUPILS BY ORGANIZATIONAL PATTERN* | | | | TOTAL NUMBER OF EQUIVALENT FULL TIME ADM |
|---|---|---|---|---|---|---|---|
| | | | FULL TIME 80% + | PART-TIME 50% + | RESOURCE ROOM 50% – | ITINERANT 20% – | |
| **ELEMENTARY** | | | | | | | |
| Educable Mentally Retarded | 9 | 100 | 100 | | | | 100 |
| Trainable Mentally Retarded | 5 | 56 | 56 | | | | 56 |
| Severely/Profoundly Mentally Retarded | 4 | 25 | 25 | | | | 25 |
| Socially and Emotionally Disturbed | 5 | 44 | 44 | | | | 44 |
| Physically Handicapped | 2 | 14 | 14 | | | | 14 |
| Brain Injured | | | | | | | |
| Learning Disabled | 22½ | 270 | 189 | | 81 | | 189 |
| Hearing Impaired | 3 | 30 | 6 | | | 24 | 14 |
| Visually Impaired | 2 | 16 | | | | 16 | 8 |
| Speech and Language Impaired | 16 | 958 | | | | 958 | 47.9 |
| Gifted | 12 | 391 | | | | 391 | 48 |
| Talented | | | | | | | |
| Multihandicapped | | | | | | | |
| Mixed Categories | 3 | 21 | 21 | | | | 21 |
| Detention (IU Only) | | | | | | | |
| Sub Total | 83½ | 1,925 | 455 | | 81 | 1,389 | 566.9 |
| **SECONDARY** | | | | | | | |
| Educable Mentally Retarded | 19½ | 274 | 200 | 74 | | | 200 |
| Trainable Mentally Retarded | 3 | 32 | 32 | | | | 32 |
| Severely/Profoundly Mentally Retarded | | | | | | | |
| Socially and Emotionally Disturbed | 2 | 18 | 18 | | | | 18 |
| Physically Handicapped | | | | | | | |
| Brain Injured | | | | | | | |
| Learning Disabled | 14 | 189 | 108 | | 81 | | 108 |
| Hearing Impaired | | | | | | | |
| Visually Impaired | | | | | | | |
| Speech and Language Impaired | | | | | | | |
| Gifted | 4 | 147 | | | | 147 | 16 |
| Talented | | | | | | | |
| Multihandicapped | | | | | | | |
| Mixed Categories | | | | | | | |
| Detention (IU Only) | | | | | | | |
| Sub Total | 42½ | 660 | 358 | 74 | 81 | 147 | 374 |
| **GRAND TOTAL** | 126 | 2,585 | 813 | 74 | 162 | 1,536 | 940.9 |

FOR DISTRICT AND INTERMEDIATE UNIT USE

*Must equal total number of pupils served.
Percentage equals time spent with special education teacher.

I certify that the information contained herein is true and correct; further, that all special education programs and services and assignment of pupils are in accordance with State Board Regulations and standards of the Department of Education.

SIGNATURE · DISTRICT SPECIAL EDUCATION DIRECTOR (IF ASSIGNED) DATE

SIGNATURE · IU SPECIAL EDUCATION DIRECTOR (ALL REPORTS) DATE
2-7-78

SIGNATURE · DISTRICT SUPERINTENDENT OR IU EXECUTIVE DIRECTOR (AS APPLICABLE) DATE

-26-

COMMONWEALTH OF PENNSYLVANIA · DEPARTMENT OF EDUCATION

## ANNUAL SPECIAL EDUCATION REPORT

DEBE-384 (11/77)

OPERATING SCHOOL DISTRICT OR IU: Combined District Totals

IU NUMBER: 10

DATE: June 21, 1978

RECEIVED
JUN 29 1978
SPECIAL EDUCATION

*INSTRUCTIONS:* Each school [illegible] special education programs and services shall submit one copy of this form through the IU to the Bureau of Special and C[illegible] of Special Education, Box 911, Harrisburg, Pa. 17126. The initial report is due in the bureau no later than January 15 and shall [illegible] programs and services for which payment or reimbursement is expected from the State. Revisions will be accepted to May 1.

| CATEGORY OF SPECIAL EDUCATION | NUMBER OF CLASSES OR TEACHERS | TOTAL NUMBER OF PUPILS SERVED | PUPILS BY ORGANIZATIONAL PATTERN* FULL TIME 80% + | PART-TIME 50% + | RESOURCE ROOM 50% – | ITINERANT 20% – | TOTAL NUMBER OF EQUIVALENT FULL TIME ADM |
|---|---|---|---|---|---|---|---|
| **ELEMENTARY** | | | | | | | |
| Educable Mentally Retarded | 15 | 190 | 189 | | | 1 | 189.143 |
| Trainable Mentally Retarded | 1 | 9 | 9 | | | | 9.000 |
| Severely/Profoundly Mentally Retarded | | | | | | | |
| Socially and Emotionally Disturbed | | | | | | | |
| Physically Handicapped | | | | | | | |
| Brain Injured | | | | | | | |
| Learning Disabled | 2 | 22 | 10 | | 12 | | 22.000 |
| Hearing Impaired | | | | | | | |
| Visually Impaired | | | | | | | |
| Speech and Language Impaired | 6 | 345 | | | | 345 | 13.431 |
| Gifted | 3 | 50 | 50 | | | | 50.000 |
| Talented | | | | | | | |
| Multihandicapped | | | | | | | |
| Mixed Categories | | | | | | | |
| Detention (IU Only) | | | | | | | |
| Sub Total | 27 | 616 | 258 | | 12 | 346 | 283.574 |
| **SECONDARY** | | | | | | | |
| Educable Mentally Retarded | 12 | 198 | 189 | 8 | 1 | | 193.371 |
| Trainable Mentally Retarded | 2 | 22 | 22 | | | | 22.000 |
| Severely/Profoundly Mentally Retarded | | | | | | | |
| Socially and Emotionally Disturbed | | | | | | | |
| Physically Handicapped | | | | | | | |
| Brain Injured | | | | | | | |
| Learning Disabled | | | | | | | |
| Hearing Impaired | | | | | | | |
| Visually Impaired | | | | | | | |
| Speech and Language Impaired | | 18 | | | | 18 | .624 |
| Gifted | | | | | | | |
| Talented | | | | | | | |
| Multihandicapped | | | | | | | |
| Mixed Categories | | | | | | | |
| Detention (IU Only) | | | | | | | |
| Sub Total | 14 | 238 | 211 | 8 | 1 | 18 | 215.995 |
| **GRAND TOTAL** | 41 | 854 | 469 | 8 | 13 | 364 | 499.569 |

FOR DISTRICT AND INTERMEDIATE UNIT USE

*Must equal total number of pupils served.
Percentage equals time spent with special education teacher

I certify that the information contained herein is true and correct; further, that all special education programs and services and assignment of pupils are in accordance with State Board Regulations and standards of the Department of Education.

SIGNATURE · DISTRICT SPECIAL EDUCATION DIRECTOR (IF ASSIGNED) DATE

SIGNATURE · IU SPECIAL EDUCATION DIRECTOR (ALL REPORTS) DATE

Thomas H. Craig June 21, 1978

SIGNATURE · DISTRICT SUPERINTENDENT OR IU EXECUTIVE DIRECTOR (AS APPLICABLE) DATE

Edward B. Reighard June 21, 1978

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COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF EDUCATION

## ANNUAL SPECIAL EDUCATION REPORT

DEBE-284 (11/77)

OPERATING SCHOOL DISTRICT OR IU: Tuscarora IU

IU NUMBER: 11

DATE: January 20, 1978

*INSTRUCTIONS:* Each school district and intermediate unit conducting special education programs and services shall submit one copy of this form through the IU to the Bureau of Special and Compensatory Education, Division of Special Education, Box 911, Harrisburg, Pa. 17126. The initial report is due in the bureau no later than January 15 and shall represent those special education programs and services for which payment or reimbursement is expected from the State. Revisions will be accepted to May 1.

| CATEGORY OF SPECIAL EDUCATION | NUMBER OF CLASSES OR TEACHERS | TOTAL NUMBER OF PUPILS SERVED | PUPILS BY ORGANIZATIONAL PATTERN* | | | | TOTAL NUMBER OF EQUIVALENT FULL TIME ADM |
|---|---|---|---|---|---|---|---|
| | | | FULL TIME 80% + | PART-TIME 50% + | RESOURCE ROOM 50% − | ITINERANT 20% − | |
| **ELEMENTARY** | | | | | | | |
| Educable Mentally Retarded | | | | | | | |
| Trainable Mentally Retarded | 4 | 40 | 40 | | | | 40 |
| Severely/Profoundly Mentally Retarded | 1 | 3 | 3 | | | | 3 |
| Socially and Emotionally Disturbed | 1 | 33 | | | | 33 | 4 |
| Physically Handicapped | | | | | | | |
| Brain Injured | | | | | | | |
| Learning Disabled | | | | | | | |
| Hearing Impaired | 1 | 15 | | | | 15 | 4 |
| Visually Impaired | 1 | 12 | | | | 12 | 4 |
| Speech and Language Impaired | 10 | 931 | | | | 931 | 14 |
| Gifted | 1 | 43 | | | | 43 | 4 |
| Talented | | | | | | | |
| Multihandicapped | 1 | 5 | 5 | | | | 5 |
| Mixed Categories | | | | | | | |
| Detention (IU Only) | | | | | | | |
| Sub Total | 20 | 1,082 | 48 | | | 1,034 | 78 |
| **SECONDARY** | | | | | | | |
| Educable Mentally Retarded | | | | | | | |
| Trainable Mentally Retarded | 4 | 42 | 42 | | | | 42 |
| Severely/Profoundly Mentally Retarded | | | | | | | |
| Socially and Emotionally Disturbed | | | | | | | |
| Physically Handicapped | | | | | | | |
| Brain Injured | | | | | | | |
| Learning Disabled | | | | | | | |
| Hearing Impaired | | | | | | | |
| Visually Impaired | | | | | | | |
| Speech and Language Impaired | | | | | | | |
| Gifted | | | | | | | |
| Talented | | 3 | 3 | Governor's School for the Arts | | | |
| Multihandicapped | | | | | | | |
| Mixed Categories | | | | | | | |
| Detention (IU Only) | | | | | | | |
| Sub Total | 4 | 45 | 45 | | | | 42 |
| **GRAND TOTAL** | 24 | 1,127 | 93 | | | 1,034 | 120 |

FOR DISTRICT AND INTERMEDIATE UNIT USE

*Must equal total number of pupils served. Percentage equals time spent with special education teacher.

I certify that the information contained herein is true and correct; further, that all special education programs and services and assignment of pupils are in accordance with State Board Regulations and standards of the Department of Education.

SIGNATURE: DISTRICT SPECIAL EDUCATION DIRECTOR (IF ASSIGNED) DATE

SIGNATURE: IU SPECIAL EDUCATION DIRECTOR (ALL REPORTS) DATE

Donald A Miller Feb 3, 1978

SIGNATURE: ~~DISTRICT SUPERINTENDENT~~ OR IU EXECUTIVE DIRECTOR (AS APPLICABLE) DATE

Roy D. Wilson 2/3/78

COMMONWEALTH OF PENNSYLVANIA - DEPARTMENT OF EDUCATION

## ANNUAL SPECIAL EDUCATION REPORT

DEBE-284 (11/77)

OPERATING SCHOOL DISTRICT OR IU: School Districts Consolidated
IU NUMBER: 11
DATE: February 3, 1978

*INSTRUCTIONS:* Each school district and intermediate unit conducting special education programs and services shall submit one copy of this form through the IU to the Bureau of Special and Compensatory Education, Division of Special Education, Box 911, Harrisburg, Pa. 17126. The initial report is due in the bureau no later than January 15 and shall represent those special education programs and services for which payment or reimbursement is expected from the State. Revisions will be accepted to May 1.

| CATEGORY OF SPECIAL EDUCATION | NUMBER OF CLASSES OR TEACHERS | TOTAL NUMBER OF PUPILS SERVED | PUPILS BY ORGANIZATIONAL PATTERN* | | | | TOTAL NUMBER OF EQUIVALENT FULL TIME ADM |
|---|---|---|---|---|---|---|---|
| | | | FULL TIME 80% + | PART-TIME 50% + | RESOURCE ROOM 50% − | ITINERANT 20% − | |
| **ELEMENTARY** | | | | | | | |
| Educable Mentally Retarded | 16 | 208 | 189 | 19 | | | 179 |
| Trainable Mentally Retarded | 1 | 10 | 10 | | | | 10 |
| Severely/Profoundly Mentally Retarded | 2 | 12 | 12 | | | | 12 |
| Socially and Emotionally Disturbed | | | | | | | |
| Physically Handicapped | | | | | | | |
| Brain Injured | | | | | | | |
| Learning Disabled | 9 | 150 | 37 | 11 | 21 | 81 | 77 |
| Hearing Impaired | | | | | | | |
| Visually Impaired | | | | | | | |
| Speech and Language Impaired | | | | | | | |
| Gifted | 4 | 83 | 23 | 12 | | 48 | 33 |
| Talented | | | | | | | |
| Multihandicapped | | | | | | | |
| Mixed Categories | 3 | 33 | 19 | 8 | 6 | | 30 |
| Detention (IU Only) | | | | | | | |
| Sub Total | 35 | 496 | 290 | 50 | 27 | 129 | 341 |
| **SECONDARY** | | | | | | | |
| Educable Mentally Retarded | 41 | 376 | 142 | 234 | | | 286 |
| Trainable Mentally Retarded | 1 | 9 | 9 | | | | 9 |
| Severely/Profoundly Mentally Retarded | | | | | | | |
| Socially and Emotionally Disturbed | | | | | | | |
| Physically Handicapped | | | | | | | |
| Brain Injured | | | | | | | |
| Learning Disabled | 3 | 35 | | | 16 | 19 | 18 |
| Hearing Impaired | | | | | | | |
| Visually Impaired | | | | | | | |
| Speech and Language Impaired | | | | | | | |
| Gifted | 6 | 90 | | 8 | 82 | | 41 |
| Talented | | | | | | | |
| Multihandicapped | | | | | | | |
| Mixed Categories | 1 | 11 | 11 | | | | 9 |
| Detention (IU Only) | | | | | | | |
| Sub Total | 52 | 521 | 162 | 242 | 98 | 19 | 363 |
| **GRAND TOTAL** | 87 | 1,017 | 452 | 292 | 125 | 148 | 704 |

FOR DISTRICT AND INTERMEDIATE UNIT USE

*Must equal total number of pupils served.
Percentage equals time spent with special education teacher.

I certify that the information contained herein is true and correct; further, that all special education programs and services and assignment of pupils are in accordance with State Board Regulations and standards of the Department of Education.

SIGNATURE - DISTRICT SPECIAL EDUCATION DIRECTOR (IF ASSIGNED) DATE

SIGNATURE - IU SPECIAL EDUCATION DIRECTOR (ALL REPORTS) DATE
Donald A. Miller Feb. 3, 1978

SIGNATURE - DISTRICT SUPERINTENDENT OR IU EXECUTIVE DIRECTOR (AS APPLICABLE) DATE
Roy D. Wilson 2/3/78

COMMONWEALTH OF PENNSYLVANIA · DEPARTMENT OF EDUCATION

(INTERMEDIATE UNIT COMPOSITE)

## ANNUAL SPECIAL EDUCATION REPORT

DEBE-384 (11/77)

| | |
|---|---|
| OPERATING SCHOOL DISTRICT OR IU | Lincoln Intermediate Unit |
| IU NUMBER | 12 |
| DATE | 3/13/78 |

*INSTRUCTIONS:* Each school district and intermediate unit conducting special education programs and services shall submit one copy of this form through the IU to the Bureau of Special and Compensatory Education, Division of Special Education, Box 911, Harrisburg, Pa. 17126. The initial report is due in the bureau no later than January 15 and shall represent those special education programs and services for which payment or reimbursement is expected from the State. Revisions will be accepted to May 1.

| CATEGORY OF SPECIAL EDUCATION | NUMBER OF CLASSES OR TEACHERS | TOTAL NUMBER OF PUPILS SERVED | PUPILS BY ORGANIZATIONAL PATTERN* | | | | TOTAL NUMBER OF EQUIVALENT FULL TIME ADM |
|---|---|---|---|---|---|---|---|
| | | | FULL TIME 80% + | PART-TIME 50% + | RESOURCE ROOM 50% − | ITINERANT 20% − | |
| **ELEMENTARY** | | | | | | | |
| Educable Mentally Retarded | 5 | 75 | 62 | 5 | 8 | | 54 |
| Trainable Mentally Retarded | 15 | 138 | 138 | | | | 138 |
| Severely/Profoundly Mentally Retarded | 7 | 59 | 59 | | | | 59 |
| Socially and Emotionally Disturbed | 10 | 69 | 36 | 31 | 2 | | 67 |
| Physically Handicapped | 3 | 26 | 26 | | | | 26 |
| Brain Injured | 23 | 240 | | 240 | | | 192 |
| Learning Disabled | 27 | 466 | | | 386 | 80 | 150 |
| Hearing Impaired | 9 | 64 | 44 | | | 20 | 43.2 |
| Visually Impaired | 3 | 37 | 4 | | | 33 | 12 |
| Speech and Language Impaired | 28 | 1333 | | | | 1333 | 43.504 |
| Gifted | 9 | 454 | | | | 454 | 36 |
| Talented | | | | | | | |
| Multihandicapped | 1 | 6 | 6 | | | | 6 |
| Mixed Categories | | | | | | | |
| Detention (IU Only) | | | | | | | |
| Sub Total | 140 | 2967 | 375 | 276 | 396 | 1920 | 826.704 |
| **SECONDARY** | | | | | | | |
| Educable Mentally Retarded | 17* | 172 | 26 | 145 | 1 | | 137 |
| Trainable Mentally Retarded | 19 | 194 | 194 | | | | 194 |
| Severely/Profoundly Mentally Retarded | 3 | 29 | 29 | | | | 29 |
| Socially and Emotionally Disturbed | 12 | 92 | 24 | 42 | 26 | | 69 |
| Physically Handicapped | 1 | 7 | 7 | | | | 7 |
| Brain Injured | 1 | 12 | 12 | | | | 10 |
| Learning Disabled | 15 | 345 | | | 295 | 50 | 88 |
| Hearing Impaired | 4 | 35 | 13 | | | 22 | 18.4 |
| Visually Impaired | 1 | 23 | | | | 23 | 4 |
| Speech and Language Impaired | 5 | 166 | | | | 166 | 10.876 |
| Gifted | 2 | 135 | | | | 135 | 8 |
| Talented | | | | | | | |
| Multihandicapped | 1 | 4 | 4 | | | | 4 |
| Mixed Categories | | | | | | | |
| Detention (IU Only) | 2 | 150 | 150 | | | | 11 |
| Sub Total | 83 | 1364 | 459 | 187 | 322 | 396 | 590.276 |
| **GRAND TOTAL** | 223 | 4331 | 834 | 463 | 718 | 2316 | 1416.98 |

*Must equal total number of pupils served.
Percentage equals time spent with special education teacher.

FOR DISTRICT AND INTERMEDIATE UNIT USE

*Included 3 Itinerant Work Experience Teachers and 1 Mobile Unit Evaluator

I certify that the information contained herein is true and correct; further, that all special education programs and services and assignment of pupils are in accordance with State Board Regulations and standards of the Department of Education.

SIGNATURE - DISTRICT SPECIAL EDUCATION DIRECTOR (IF ASSIGNED) DATE

SIGNATURE - IU SPECIAL EDUCATION DIRECTOR (ALL REPORTS) DATE 3/13/78

(Acting) Irvin A. Karam

SIGNATURE - DISTRICT SUPERINTENDENT OR IU EXECUTIVE DIRECTOR (AS APPLICABLE) DATE 3/13/78

BEST AVAILABLE COPY

DISTRICT COMPOSITE

COMMONWEALTH OF PENNSYLVANIA · DEPARTMENT OF EDUCATION

## ANNUAL SPECIAL EDUCATION REPORT

DESE-284 (11/77)

OPERATING SCHOOL DISTRICT OR IU: Lincoln Intermediate Unit

IU NUMBER: 12

DATE: 3/13/78

*INSTRUCTIONS:* Each school district and intermediate unit conducting special education programs and services shall submit one copy of this form through the IU to the Bureau of Special and Compensatory Education, Division of Special Education, Box 911, Harrisburg, Pa. 17126. The initial report is due in the bureau no later than January 15 and shall represent those special education programs and services for which payment or reimbursement is expected from the State. Revisions will be accepted to May 1.

| CATEGORY OF SPECIAL EDUCATION | NUMBER OF CLASSES OR TEACHERS | TOTAL NUMBER OF PUPILS SERVED | PUPILS BY ORGANIZATIONAL PATTERN* | | | | TOTAL NUMBER OF EQUIVALENT FULL TIME ADM |
|---|---|---|---|---|---|---|---|
| | | | FULL TIME 80% + | PART-TIME 50% + | RESOURCE ROOM 50% – | ITINERANT 20% – | |
| **ELEMENTARY** | | | | | | | |
| Educable Mentally Retarded | 38.5 | 507 | 474 | 19 | 14 | | 489.91 |
| Trainable Mentally Retarded | | | | | | | |
| Severely/Profoundly Mentally Retarded | | | | | | | |
| Socially and Emotionally Disturbed | 1 | 7 | 7 | | | | |
| Physically Handicapped | | | | | | | |
| Brain Injured | 1 | 8 | 8 | | | | 8 |
| Learning Disabled | 2.5 | 66 | | | 66 | | 17 |
| Hearing Impaired | | 3 | | | | 3 | .16 |
| Visually Impaired | | | | | | | |
| Speech and Language Impaired | 8 | 596 | | | | 596 | 10.81 |
| Gifted | 15.8 | 132 | | | 27 | 105 | 20.5833 |
| Talented | | | | | | | |
| Multihandicapped | | | | | | | |
| Mixed Categories | 3 | 94 | 1 | 47 | 46 | | 53.87 |
| Detention (IU Only) | | | | | | | |
| Sub Total | 69.8 | 1413 | 490 | 66 | 153 | 704 | 607.3333 |
| **SECONDARY** | | | | | | | |
| Educable Mentally Retarded | 52.5 | 846 | 356 | 430 | 60 | | 661.512 |
| Trainable Mentally Retarded | | | | | | | |
| Severely/Profoundly Mentally Retarded | | | | | | | |
| Socially and Emotionally Disturbed | | | | | | | |
| Physically Handicapped | 1 | 10 | 10 | | | | 10 |
| Brain Injured | | | | | | | |
| Learning Disabled | 5.5 | 114 | | | 81 | 33 | 31 |
| Hearing Impaired | | 12 | | | | 12 | .65 |
| Visually Impaired | | | | | | | |
| Speech and Language Impaired | | 31 | | | | 31 | .56 |
| Gifted | 13.4 | 89 | | | 42 | 47 | 15.8298 |
| Talented | | | | | | | |
| Multihandicapped | | | | | | | |
| Mixed Categories | 1 | 32 | | | 32 | | 6 |
| Detention (IU Only) | | | | | | | |
| Sub Total | 73.4 | 1134 | 366 | 430 | 215 | 123 | 725.5518 |
| **GRAND TOTAL** | 143.2 | 2547 | 856 | 496 | 368 | 827 | 1332.8851 |

*Must equal total number of pupils served.
Percentage equals time spent with special education teacher.

FOR DISTRICT AND INTERMEDIATE UNIT USE

I certify that the information contained herein is true and correct; further, that all special education programs and services and assignment of pupils are in accordance with State Board Regulations and standards of the Department of Education.

SIGNATURE · DISTRICT SPECIAL EDUCATION DIRECTOR (IF ASSIGNED) DATE

SIGNATURE · IU SPECIAL EDUCATION DIRECTOR (ALL REPORTS) DATE
(Acting)

Irvin A. Karam 3/13/78

SIGNATURE · DISTRICT SUPERINTENDENT OR IU EXECUTIVE DIRECTOR (AS APPLICABLE) DATE

3/13/78

981

COMMONWEALTH OF PENNSYLVANIA · DEPARTMENT OF EDUCATION

## ANNUAL SPECIAL EDUCATION REPORT

DEBE-284 (11/77)

OPERATING SCHOOL DISTRICT OR IU: Lancaster-Lebanon Intermediate Unit

IU NUMBER: 13

DATE: 4/17/78

*INSTRUCTIONS:* Each school district and intermediate unit conducting special education programs and services shall submit one copy of this form through the IU to the Bureau of Special and Compensatory Education, Division of Special Education, Box 911, Harrisburg, Pa. 17126. The initial report is due in the bureau no later than January 15 and shall represent those special education programs and services for which payment or reimbursement is expected from the State. Revisions will be accepted to May 1.

| CATEGORY OF SPECIAL EDUCATION | NUMBER OF CLASSES OR TEACHERS | TOTAL NUMBER OF PUPILS SERVED | PUPILS BY ORGANIZATIONAL PATTERN* | | | | TOTAL NUMBER OF EQUIVALENT FULL TIME ADM |
|---|---|---|---|---|---|---|---|
| | | | FULL TIME 80% + | PART-TIME 50% + | RESOURCE ROOM 50% – | ITINERANT 20% – | |
| **ELEMENTARY** | | | | | | | |
| Educable Mentally Retarded | | | | | | | |
| Trainable Mentally Retarded | 12 | 114 | 114 | | | | 114 |
| Severely/Profoundly Mentally Retarded | 4 | 33 | 33 | | | | 33 |
| Socially and Emotionally Disturbed | 6 | 55 | 55 | | | | 55 |
| Physically Handicapped | 3 | 46 | 46 | | | | 25 |
| Brain Injured | | | | | | | |
| Learning Disabled | 14 | 198 | 117 | | | 81 | 125 |
| Hearing Impaired | 18 | 235 | 46 | | | 189 | 55 |
| Visually Impaired | 3 | 37 | | | | 37 | 8 |
| Speech and Language Impaired | 36 | 2484 | | | | 2484 | 99 |
| Gifted | 16 | 1072 | | | | 1072 | 86 |
| Talented | | | | | | | |
| Multihandicapped | | | | | | | |
| Mixed Categories | 20 | 359 | | | 359 | | 162 |
| Detention (IU Only) | | | | | | | |
| Sub Total | 132 | 4633 | 411 | | 359 | 3863 | 762 |
| **SECONDARY** | | | | | | | |
| Educable Mentally Retarded | 2 | 153 | | | | 153 | 8 |
| Trainable Mentally Retarded | 15 | 164 | 164 | | | | 164 |
| Severely/Profoundly Mentally Retarded | 4 | 26 | 26 | | | | 26 |
| Socially and Emotionally Disturbed | 5 | 51 | 51 | | | | 51 |
| Physically Handicapped | 2 | 47 | 47 | | | | 18 |
| Brain Injured | 1 | 12 | 12 | | | | 12 |
| Learning Disabled | | | | | | | |
| Hearing Impaired | 2 | 53 | | 8 | | 45 | 6 |
| Visually Impaired | | 25 | | | | 25 | 4 |
| Speech and Language Impaired | | 128 | | | | 128 | 5 |
| Gifted | | 27 | | | | 27 | 4 |
| Talented | | | | | | | |
| Multihandicapped | | | | | | | |
| Mixed Categories | 9 | 151 | | | 151 | | 68 |
| Detention (IU Only) | 1 | 102 | 102 | | | | 11 |
| Sub Total | 41 | 939 | 402 | 8 | 151 | 378 | 377 |
| **GRAND TOTAL** | 173 | 5572 | 813 | 8 | 510 | 4241 | 1139 |

FOR DISTRICT AND INTERMEDIATE UNIT USE

*Must equal total number of pupils served.
Percentage equals time spent with special education teacher.

I certify that the information contained herein is true and correct; further, that all special education programs and services and assignment of pupils are in accordance with State Board Regulations and standards of the Department of Education.

SIGNATURE · DISTRICT SPECIAL EDUCATION DIRECTOR (IF ASSIGNED) DATE

SIGNATURE · IU SPECIAL EDUCATION DIRECTOR (ALL REPORTS) DATE 4/17/78

SIGNATURE · DISTRICT SUPERINTENDENT OR IU EXECUTIVE DIRECTOR (AS APPLICABLE) DATE 4/17/78

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COMMONWEALTH OF PENNSYLVANIA - DEPARTMENT OF EDUCATION

## ANNUAL SPECIAL EDUCATION REPORT

DEBE-304 (11/77)

OPERATING SCHOOL DISTRICT OR IU District Composite

IU NUMBER 13

DATE 4/17/78

*INSTRUCTIONS:* Each school district and intermediate unit conducting special education programs and services shall submit one copy of this form through the IU to the Bureau of Special and Compensatory Education, Division of Special Education, Box 911, Harrisburg, Pa. 17126. The initial report is due in the bureau no later than January 15 and shall represent those special education programs and services for which payment or reimbursement is expected from the State. Revisions will be accepted to May 1.

| CATEGORY OF SPECIAL EDUCATION | NUMBER OF CLASSES OR TEACHERS | TOTAL NUMBER OF PUPILS SERVED | PUPILS BY ORGANIZATIONAL PATTERN* | | | | TOTAL NUMBER OF EQUIVALENT FULL TIME ADM |
|---|---|---|---|---|---|---|---|
| | | | FULL TIME 80% + | PART-TIME 50% + | RESOURCE ROOM 50% – | ITINERANT 20% – | |
| ELEMENTARY | | | | | | | |
| Educable Mentally Retarded | 47 | 620 | 619 | 1 | | | 604 |
| Trainable Mentally Retarded | | | | | | | |
| Severely/Profoundly Mentally Retarded | | | | | | | |
| Socially and Emotionally Disturbed | 2 | 18 | 18 | | | | 18 |
| Physically Handicapped | | | | | | | |
| Brain Injured | | | | | | | |
| Learning Disabled | 7 | 88 | 53 | | 35 | | 68 |
| Hearing Impaired | | | | | | | |
| Visually Impaired | | | | | | | |
| Speech and Language Impaired | 5 | 450 | | | | 450 | 8 |
| Gifted | 4 | 225 | | | | 225 | 30 |
| Talented | | | | | | | |
| Multihandicapped | | | | | | | |
| Mixed Categories | 8 | 250 | | | 250 | | 38 |
| Detention (IU Only) | | | | | | | |
| Sub Total | 73 | 1651 | 690 | 1 | 285 | 675 | 766 |
| SECONDARY | | | | | | | |
| Educable Mentally Retarded | 60 | 920 | 297 | 553 | 68 | 2 | 697 |
| Trainable Mentally Retarded | | | | | | | |
| Severely/Profoundly Mentally Retarded | | | | | | | |
| Socially and Emotionally Disturbed | 1 | 10 | | 10 | | | 8 |
| Physically Handicapped | | | | | | | |
| Brain Injured | | | | | | | |
| Learning Disabled | 1 | 17 | | | 17 | | 8 |
| Hearing Impaired | | | | | | | |
| Visually Impaired | | | | | | | |
| Speech and Language Impaired | | 39 | | | | 39 | 1 |
| Gifted | | | | | | | |
| Talented | | | | | | | |
| Multihandicapped | | | | | | | |
| Mixed Categories | 5 | 135 | | | 135 | | 30 |
| Detention (IU Only) | | | | | | | |
| Sub Total | 67 | 1121 | 297 | 563 | 220 | 41 | 744 |
| GRAND TOTAL | 140 | 2772 | 987 | 564 | 505 | 716 | 1510 |

FOR DISTRICT AND INTERMEDIATE UNIT USE

*Must equal total number of pupils served.
Percentage equals time spent with special education teacher.

I certify that the information contained herein is true and correct; further, that all special education programs and services and assignment of pupils are in accordance with State Board Regulations and standards of the Department of Education.

SIGNATURE - DISTRICT SPECIAL EDUCATION DIRECTOR (IF ASSIGNED) DATE

SIGNATURE - IU SPECIAL EDUCATION DIRECTOR (ALL REPORTS) DATE 4/17/78

SIGNATURE - DISTRICT SUPERINTENDENT OR IU EXECUTIVE DIRECTOR (AS APPLICABLE) DATE 4/17/78

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DIVISION OF
SPECIAL EDUCATION

## ANNUAL SPECIAL EDUCATION REPORT

DEBE-284 (11/77)

| | |
|---|---|
| OPERATING SCHOOL DISTRICT OR IU | BERKS COUNTY INTERMEDIATE UNIT |
| IU NUMBER #14 | DATE 2/6/78 |

*INSTRUCTIONS:* Each school district and intermediate unit conducting special education programs and services shall submit one copy of this form through the IU to the Bureau of Special and Compensatory Education, Division of Special Education, Box 911, Harrisburg, Pa. 17126. The initial report is due in the bureau no later than January 15 and shall represent those programs and services for which payment or reimbursement is expected from the State. Revisions will be accepted to May 1.

| CATEGORY OF SPECIAL EDUCATION | NUMBER OF CLASSES OR TEACHERS | TOTAL NUMBER OF PUPILS SERVED | PUPILS BY ORGANIZATIONAL PATTERN* | | | | TOTAL NUMBER OF EQUIVALENT FULL TIME ADM |
|---|---|---|---|---|---|---|---|
| | | | FULL TIME 80% + | PART-TIME 50% + | RESOURCE ROOM 50% – | ITINERANT 20% – | |
| **ELEMENTARY** | | | | | | | |
| Educable Mentally Retarded | 10 | 131 | 131 | | | | 131 |
| Trainable Mentally Retarded | 3.5 | 41 | 41 | | | | 41 |
| Severely/Profoundly Mentally Retarded | 7 | 49 | 49 | | | | 49 |
| Socially and Emotionally Disturbed | 5 | 60 | 60 | | | | 60 |
| Physically Handicapped | 1 | 10 | 10 | | | | 10 |
| Brain Injured | | | | | | | |
| Learning Disabled | 23 | 407 | 215 | | 10 | 182 | [illegible]01 |
| Hearing Impaired | 6.5 | 183 | 14 | | | 169 | 30 |
| Visually Impaired | 2 | 46 | | | | 46 | 8 |
| Speech and Language Impaired | 28.5 | 1438 | | | | 1438 | 26 |
| Gifted | 19 | 1407 | | | | 1407 | 218 |
| Talented | | | | | | | |
| Multihandicapped | 1 | 14 | 14 | | | | 14 |
| Mixed Categories | | | | | | | |
| Detention (IU Only) | | | | | | | |
| Sub Total | 106.5 | 3786 | 534 | | 10 | 3242 | 788 |
| **SECONDARY** | | | | | | | |
| Educable Mentally Retarded | 11 | 175 | 175 | | | | 149 |
| Trainable Mentally Retarded | 11.5 | 140 | 140 | | | | 140 |
| Severely/Profoundly Mentally Retarded | 20 | 151 | 151 | | | | 151 |
| Socially and Emotionally Disturbed | 8.5 | 70 | 70 | | | | 70 |
| Physically Handicapped | | | | | | | |
| Brain Injured | | | | | | | |
| Learning Disabled | 13 | 212 | 65 | 1 | 67 | 79 | 98 |
| Hearing Impaired | | | | | | | |
| Visually Impaired | 1 | 20 | | | | 20 | 4 |
| Speech and Language Impaired | | | | | | | |
| Gifted | | | | | | | |
| Talented | | | | | | | |
| Multihandicapped | 1 | 6 | 6 | | | | 6 |
| Mixed Categories | 3 | 53 | | | 53 | | 18 |
| Detention (IU Only) | 1.5 | 7 | 7 | | | | 7 |
| Sub Total | 70.5 | 834 | 614 | 1 | 120 | 99 | 643 |
| **GRAND TOTAL** | 177 | 4620 | 1148 | 1 | 130 | 3341 | 1431 |

**FOR DISTRICT AND INTERMEDIATE UNIT USE**

*Must equal total number of pupils served.
Percentage equals time spent with special education teacher.

I certify that the information contained herein is true and correct; further, that all special education programs and services and assignment of pupils are in accordance with State Board Regulations and standards of the Department of Education.

SIGNATURE - DISTRICT SPECIAL EDUCATION DIRECTOR (IF ASSIGNED) DATE

SIGNATURE - IU SPECIAL EDUCATION DIRECTOR (ALL REPORTS) DATE

John A. Kiss 2-3-78

SIGNATURE - DISTRICT SUPERINTENDENT OR IU EXECUTIVE DIRECTOR (AS APPLICABLE) DATE

2/9/78

District Composite

COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF EDUCATION

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DIVISION
SPECIAL EDUCATION

## ANNUAL SPECIAL EDUCATION REPORT

DEBE-384 (11/77)

| | |
|---|---|
| OPERATING SCHOOL DISTRICT OR IU | Governor Mifflin, Reading, Wilson, Kutztown, Boyertown Schl. Dist |
| IU NUMBER #14 | DATE 2/1/78 |

*INSTRUCTIONS:* Each school district and intermediate unit conducting special education programs and services shall submit one copy of this form through the IU to the Bureau of Special and Compensatory Education, Division of Special Education, Box 911, Harrisburg, Pa. 17126. The initial report is due in the bureau no later than January 15 and shall represent those special education programs and services for which payment or reimbursement is expected from the State. Revisions will be accepted to May 1.

| CATEGORY OF SPECIAL EDUCATION | NUMBER OF CLASSES OR TEACHERS | TOTAL NUMBER OF PUPILS SERVED | PUPILS BY ORGANIZATIONAL PATTERN* | | | | TOTAL NUMBER OF EQUIVALENT FULL TIME ADM |
|---|---|---|---|---|---|---|---|
| | | | FULL TIME 80% + | PART-TIME 50% + | RESOURCE ROOM 50% − | ITINERANT 20% − | |
| **ELEMENTARY** | | | | | | | |
| Educable Mentally Retarded | 13 | 199 | 199 | | | | 199 |
| Trainable Mentally Retarded | 2 | 20 | 20 | | | | 20 |
| Severely/Profoundly Mentally Retarded | | | | | | | |
| Socially and Emotionally Disturbed | 3 | 21 | 21 | | | | 21 |
| Physically Handicapped | 2 | 27 | 27 | | | | 27 |
| Brain Injured | | | | | | | |
| Learning Disabled | 6 | 73 | 73 | | | | 73 |
| Hearing Impaired | | | | | | | |
| Visually Impaired | | | | | | | |
| Speech and Language Impaired | | | | | | | |
| Gifted | 8 | 145 | | | | 145 | 13 |
| Talented | | | | | | | |
| Multihandicapped | | | | | | | |
| Mixed Categories | | | | | | | |
| Detention (IU Only) | | | | | | | |
| Sub Total | 34 | 485 | 340 | | | 145 | 353 |
| **SECONDARY** | | | | | | | |
| Educable Mentally Retarded | 19 | 280 | 105 | 175 | | | 209 |
| Trainable Mentally Retarded | 1 | 16 | 16 | | | | 16 |
| Severely/Profoundly Mentally Retarded | | | | | | | |
| Socially and Emotionally Disturbed | | | | | | | |
| Physically Handicapped | 1 | 14 | 14 | | | | 14 |
| Brain Injured | | | | | | | |
| Learning Disabled | 3 | 36 | 36 | | | | 36 |
| Hearing Impaired | | | | | | | |
| Visually Impaired | | | | | | | |
| Speech and Language Impaired | | | | | | | |
| Gifted | | | | | | | |
| Talented | | | | | | | |
| Multihandicapped | | | | | | | |
| Mixed Categories | | | | | | | |
| Detention (IU Only) | | | | | | | |
| Sub Total | 24 | 346 | 171 | 175 | | | 275 |
| **GRAND TOTAL** | 58 | 831 | 511 | 175 | | 145 | 628 |

FOR DISTRICT AND INTERMEDIATE UNIT USE

*Must equal total number of pupils served.
Percentage equals time spent with special education teacher.

I certify that the information contained herein is true and correct; further, that all special education programs and services and assignment of pupils are in accordance with State Board Regulations and standards of the Department of Education.

SIGNATURE - DISTRICT SPECIAL EDUCATION DIRECTOR (IF ASSIGNED) DATE

SIGNATURE - IU SPECIAL EDUCATION DIRECTOR (ALL REPORTS) DATE

John A. [illegible] 2-3-78

SIGNATURE - DISTRICT SUPERINTENDENT OR IU EXECUTIVE DIRECTOR (AS APPLICABLE) DATE

[illegible] 2/9/78

COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF EDUCATION

## ANNUAL SPECIAL EDUCATION REPORT

DEBE-284 (11/77)

RECEIVED
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SPECIAL EDUCATION

REPORTING SCHOOL DISTRICT OR IU: Capital Area Intermediate Unit #15
IU NUMBER: 15
DATE: 1-06-78

*INSTRUCTIONS:* Each school district and intermediate unit conducting special education programs and services shall submit one copy of this form through the IU to the Bureau of Special and Compensatory Education, Division of Special Education, Box 911, Harrisburg, Pa. 17126. The initial report is due in the bureau no later than January 15 and shall represent those special education programs and services for which payment or reimbursement is expected from the State. Revisions will be accepted to May 1.

| CATEGORY OF SPECIAL EDUCATION | NUMBER OF CLASSES OR TEACHERS | TOTAL NUMBER OF PUPILS SERVED | PUPILS BY ORGANIZATIONAL PATTERN* | | | | TOTAL NUMBER OF EQUIVALENT FULL TIME ADM |
|---|---|---|---|---|---|---|---|
| | | | FULL TIME 80% + | PART-TIME 50% + | RESOURCE ROOM 50% − | ITINERANT 20% − | |
| **ELEMENTARY** | | | | | | | |
| Educable Mentally Retarded | 2 | 21 | 21 | | | | 21 |
| Trainable Mentally Retarded | 11 | 98 | 98 | | | | 98 |
| Severely/Profoundly Mentally Retarded | 11 | 70 | 70 | | | | 70 |
| Socially and Emotionally Disturbed | 12 | 85 | 76 | | | 9 | 77 |
| Physically Handicapped | 4 | 28 | 28 | | | | 28 |
| Brain Injured | 3 | 29 | 29 | | | | 29 |
| Learning Disabled | 34 | 463 | 246 | | 166 | 51 | 306 |
| Hearing Impaired | 6 | 42 | 24 | | | 18 | 30 |
| Visually Impaired | 6 | 48 | | | | 48 | 24 |
| Speech and Language Impaired | 57 | 2040 | 16 | | | 2024 | 181 |
| Gifted | 10 | 409 | | | | 409 | 45 |
| Talented | | | | | | | |
| Multihandicapped | 5 | 31 | 23 | | | 8 | 27 |
| Mixed Categories | 1 | 18 | 9 | | 9 | | 9 |
| Detention (IU Only) | | | | | | | |
| Sub Total | 162 | 3382 | 640 | | 175 | 2567 | 945 |
| **SECONDARY** | | | | | | | |
| Educable Mentally Retarded | 1 | 23 | 5 | | 18 | | 11 |
| Trainable Mentally Retarded | 14 | 174 | 174 | | | | 174 |
| Severely/Profoundly Mentally Retarded | 6 | 45 | 45 | | | | 45 |
| Socially and Emotionally Disturbed | 11 | 111 | 87 | | | 24 | 90 |
| Physically Handicapped | 1 | 23 | 23 | | | | 23 |
| Brain Injured | 1 | 6 | 6 | | | | 6 |
| Learning Disabled | 6 | 103 | 2 | | 93 | 8 | 38 |
| Hearing Impaired | 3 | 21 | 15 | | | 6 | 18 |
| Visually Impaired | 1 | 31 | | | | 31 | 4 |
| Speech and Language Impaired | 3 | 155 | | | | 155 | 9 |
| Gifted | 4 | 136 | | | | 136 | 13 |
| Talented | | | | | | | |
| Multihandicapped | 1 | 5 | 5 | | | | 5 |
| Mixed Categories | 2 | 30 | | | 30 | | 12 |
| Detention (IU Only) | 3 | 68 | 68 | | | | 68 |
| Sub Total | 57 | 931 | 430 | | 141 | 360 | 516 |
| **GRAND TOTAL** | 219 | 4313 | 1070 | | 316 | 2927 | 1461 |

*Must equal total number of pupils served.
Percentage equals time spent with special education teacher.

FOR DISTRICT AND INTERMEDIATE UNIT USE

I certify that the information contained herein is true and correct; further, that all special education programs and services and assignment of pupils are in accordance with State Board Regulations and standards of the Department of Education.

SIGNATURE - DISTRICT SPECIAL EDUCATION DIRECTOR (IF ASSIGNED) DATE

SIGNATURE - IU SPECIAL EDUCATION DIRECTOR (ALL REPORTS) DATE

Ronald L. Finkenbinder 3-23-78

SIGNATURE - DISTRICT SUPERINTENDENT OR IU EXECUTIVE DIRECTOR (AS APPLICABLE) DATE

D. Bruce Conner 3-23-78

COMMONWEALTH OF PENNSYLVANIA · DEPARTMENT OF EDUCATION D DISTRICT COMPOSITE

## ANNUAL SPECIAL EDUCATION REPORT

DEBE-384 (11/77)

SPECIAL EDUCATION

| | |
|---|---|
| OPERATING SCHOOL DISTRICT OR IU | Capital Area Intermediate Unit |
| IU NUMBER | 15 |
| DATE | 3-22-78 |

*INSTRUCTIONS:* Each school district and intermediate unit conducting special education programs and services shall submit one copy of this form through the IU to the Bureau of Special and Compensatory Education, Division of Special Education, Box 911, Harrisburg, Pa. 17126. The initial report is due in the bureau no later than January 15 and shall represent those special education programs and services for which payment or reimbursement is expected from the State. Revisions will be accepted to May 1.

| CATEGORY OF SPECIAL EDUCATION | NUMBER OF CLASSES OR TEACHERS | TOTAL NUMBER OF PUPILS SERVED | PUPILS BY ORGANIZATIONAL PATTERN* | | | | TOTAL NUMBER OF EQUIVALENT FULL TIME ADM |
|---|---|---|---|---|---|---|---|
| | | | FULL TIME 80% + | PART-TIME 50% + | RESOURCE ROOM 50% – | ITINERANT 20% – | |
| **ELEMENTARY** | | | | | | | |
| Educable Mentally Retarded | 43 | 547 | 544 | 3 | | | 506 |
| Trainable Mentally Retarded | 2 | 17 | 17 | | | | 17 |
| Severely/Profoundly Mentally Retarded | | | | | | | |
| Socially and Emotionally Disturbed | 1 | 6 | 6 | | | | 6 |
| Physically Handicapped | 1 | 8 | 8 | | | | 7 |
| Brain Injured | | | | | | | |
| Learning Disabled | 24 | 483 | 90 | | 363 | 30 | 174 |
| Hearing Impaired | | | | | | | |
| Visually Impaired | | | | | | | |
| Speech and Language Impaired | | | | | | | |
| Gifted | 5.5 | 263 | | | | 263 | 37 |
| Talented | | | | | | | |
| Multihandicapped | 1 | 4 | 4 | | | | 4 |
| Mixed Categories | 2 | 29 | 20 | 9 | | | 24 |
| Detention (IU Only) | | | | | | | |
| Sub Total | 79.5 | 1357 | 689 | 12 | 363 | 293 | 775 |
| **SECONDARY** | | | | | | | |
| Educable Mentally Retarded | 59.5 | 810 | 537 | 273 | | | 674 |
| Trainable Mentally Retarded | 2 | 21 | 21 | | | | 21 |
| Severely/Profoundly Mentally Retarded | | | | | | | |
| Socially and Emotionally Disturbed | 1 | 6 | 6 | | | | 6 |
| Physically Handicapped | | | | | | | |
| Brain Injured | | | | | | | |
| Learning Disabled | 8 | 185 | | | 168 | 17 | 50 |
| Hearing Impaired | | | | | | | |
| Visually Impaired | | | | | | | |
| Speech and Language Impaired | | | | | | | |
| Gifted | 3 | 116 | | | | 116 | 16 |
| Talented | | | | | | | |
| Multihandicapped | | | | | | | |
| Mixed Categories | 8 | 138 | 25 | 113 | | | 101 |
| Detention (IU Only) | | | | | | | |
| Sub Total | 81.5 | 1276 | 589 | 386 | 168 | 133 | 868 |
| **GRAND TOTAL** | 161 | 2633 | 1278 | 398 | 531 | 426 | 1643 |

FOR DISTRICT AND INTERMEDIATE UNIT USE

*Must equal total number of pupils served.
Percentage equals time spent with special education teacher.

I certify that the information contained herein is true and correct; further, that all special education programs and services and assignment of pupils are in accordance with State Board Regulations and standards of the Department of Education.

SIGNATURE · DISTRICT SPECIAL EDUCATION DIRECTOR (IF ASSIGNED) DATE

SIGNATURE · IU SPECIAL EDUCATION DIRECTOR (ALL REPORTS) DATE

3-23-78

SIGNATURE · DISTRICT SUPERINTENDENT OR IU EXECUTIVE DIRECTOR (AS APPLICABLE) DATE

D. Bruce Conner 3-23-78

COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF EDUCATION

RECEIVED JAN [illegible] 1978 DIVISION OF SPECIAL EDUCATION

## ANNUAL SPECIAL EDUCATION REPORT

DESE-284 (11/77)

OPERATING SCHOOL DISTRICT OR IU: CENTRAL SUSQUEHANNA INTERMEDIATE UNIT #16

IU NUMBER: 16

DATE: January 16, 1978

*INSTRUCTIONS:* Each school district or intermediate unit conducting special education programs and services shall submit one copy of this form through the IU to the Bureau of Special and Compensatory Education, Division of Special Education, Box 911, Harrisburg, Pa. 17126. The initial report is due in the bureau no later than January 15 and shall represent those special education programs and services for which payment or reimbursement is expected from the State. Revisions will be accepted to May 1.

| CATEGORY OF SPECIAL EDUCATION | NUMBER OF CLASSES OR TEACHERS | TOTAL NUMBER OF PUPILS SERVED | PUPILS BY ORGANIZATIONAL PATTERN* | | | | TOTAL NUMBER OF EQUIVALENT FULL TIME ADM |
|---|---|---|---|---|---|---|---|
| | | | FULL TIME 80% + | PART-TIME 50% + | RESOURCE ROOM 50% − | ITINERANT 20% − | |
| **ELEMENTARY** | | | | | | | |
| Educable Mentally Retarded | 3.5 | 51 | 25 | 26 | | | 44 |
| Trainable Mentally Retarded | 9.5 | 81 | 81 | | | | 79 |
| Severely/Profoundly Mentally Retarded | 4 | 31 | 31 | | | | 31 |
| Socially and Emotionally Disturbed | 3 | 27 | 19 | 7 | | 1 | 23 |
| Physically Handicapped | | | | | | | |
| Brain Injured | | | | | | | |
| Learning Disabled | 16 | 226 | 118 | 26 | 23 | 59 | 142 |
| Hearing Impaired | 6 | 55 | 11 | 12 | | 32 | 18 |
| Visually Impaired | 2 | 26 | | | | 26 | 2 |
| Speech and Language Impaired | 24 | 1,447 | | | | 1,447 | 72 |
| Gifted | 4 | 153 | | | 71 | 82 | 37 |
| Talented | | | | | | | |
| Multihandicapped | | | | | | | |
| Mixed Categories | 3 | 58 | 17 | | 41 | | 31 |
| Detention (IU Only) | | | | | | | |
| Sub Total | 75 | 2,155 | 302 | 71 | 135 | 1,647 | 479 |
| **SECONDARY** | | | | | | | |
| Educable Mentally Retarded | 5 | 90 | 46 | 30 | | 14 | 66 |
| Trainable Mentally Retarded | 15.5 | 158 | 134 | 24 | | | 146 |
| Severely/Profoundly Mentally Retarded | 9 | 74 | 72 | 2 | | | 74 |
| Socially and Emotionally Disturbed | 3 | 12 | 12 | | | | 12 |
| Physically Handicapped | 1 | 11 | 11 | | | | 11 |
| Brain Injured | | | | | | | |
| Learning Disabled | 6 | 121 | 35 | 10 | 67 | 9 | 61 |
| Hearing Impaired | 2 | 15 | 7 | 2 | | 6 | 9 |
| Visually Impaired | 2 | 34 | | | | 34 | 3 |
| Speech and Language Impaired | 6 | 241 | | | | 241 | 8 |
| Gifted | 2 | 215 | | | 162 | 53 | 20 |
| Talented | | | | | | | |
| Multihandicapped | 1 | 6 | 6 | | | | 6 |
| Mixed Categories | 5.5 | 74 | 23 | 23 | 28 | | 53 |
| Detention (IU Only) | | | | | | | |
| Sub Total | 58 | 1,051 | 346 | 91 | 257 | 357 | 469 |
| GRAND TOTAL | 133 | 3,206 | 648 | 162 | 392 | 2,004 | 948 |

FOR DISTRICT AND INTERMEDIATE UNIT USE

*Must equal total number of pupils served.
Percentage equals time spent with special education teacher.

I certify that the information contained herein is true and correct; further, that all special education programs and services and assignment of pupils are in accordance with State Board Regulations and standards of the Department of Education.

SIGNATURE - DISTRICT SPECIAL EDUCATION DIRECTOR (IF ASSIGNED) — DATE

SIGNATURE - IU SPECIAL EDUCATION DIRECTOR (ALL REPORTS) — DATE 1/17/78

SIGNATURE - DISTRICT SUPERINTENDENT OR IU EXECUTIVE DIRECTOR (AS APPLICABLE) — DATE 1/17/78

COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF EDUCATION

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DIVISION OF
SPECIAL EDUCATION

## ANNUAL SPECIAL EDUCATION REPORT

DEBE-384 (11/77)

| | |
|---|---|
| OPERATING SCHOOL DISTRICT OR IU | Combined Districts |
| IU NUMBER 16 | DATE January 25, 1978 |

*INSTRUCTIONS:* Each school district/intermediate unit conducting special education programs and services shall submit one copy of this form through the IU to the Bureau of Special and Compensatory Education, Division of Special Education, Box 911, Harrisburg, Pa. 17126. The initial report is due in the bureau no later than January 15 and shall represent those special education programs and services for which payment or reimbursement is expected from the State. Revisions will be accepted to May 1.

| CATEGORY OF SPECIAL EDUCATION | NUMBER OF CLASSES OR TEACHERS | TOTAL NUMBER OF PUPILS SERVED | PUPILS BY ORGANIZATIONAL PATTERN* | | | | TOTAL NUMBER OF EQUIVALENT FULL TIME ADM |
|---|---|---|---|---|---|---|---|
| | | | FULL TIME 80% + | PART-TIME 50% + | RESOURCE ROOM 50% – | ITINERANT 20% – | |
| **ELEMENTARY** | | | | | | | |
| Educable Mentally Retarded | 17.5 | 228 | 197 | 15 | 3 | 13 | 207 |
| Trainable Mentally Retarded | | | | | | | |
| Severely/Profoundly Mentally Retarded | | | | | | | |
| Socially and Emotionally Disturbed | | | | | | | |
| Physically Handicapped | 1 | 1 | 1 | | | | 1 |
| Brain Injured | | | | | | | |
| Learning Disabled | 3.5 | 60 | 20 | 12 | 8 | 20 | 35 |
| Hearing Impaired | | | | | | | |
| Visually Impaired | | | | | | | |
| Speech and Language Impaired | 2 | 224 | | | | 224 | 28 |
| Gifted | 27 | 504 | | | | 504 | 90 |
| Talented | | | | | | | |
| Multihandicapped | | | | | | | |
| Mixed Categories | 1 | 28 | | | 28 | | 8 |
| Detention (IU Only) | | | | | | | |
| Sub Total | 52 | 1,045 | 218 | 27 | 39 | 761 | 369 |
| **SECONDARY** | | | | | | | |
| Educable Mentally Retarded | 18.5 | 277 | 169 | 55 | 37 | 16 | 223 |
| Trainable Mentally Retarded | | | | | | | |
| Severely/Profoundly Mentally Retarded | | | | | | | |
| Socially and Emotionally Disturbed | | | | | | | |
| Physically Handicapped | | | | | | | |
| Brain Injured | | | | | | | |
| Learning Disabled | 3.5 | 133 | | 10 | 101 | 22 | 44 |
| Hearing Impaired | | | | | | | |
| Visually Impaired | | | | | | | |
| Speech and Language Impaired | 1 | 22 | | | | 22 | 3 |
| Gifted | 19 | 300 | | | 124 | 176 | 64 |
| Talented | | | | | | | |
| Multihandicapped | | | | | | | |
| Mixed Categories | 5 | 115 | | 1 | 101 | 13 | 47 |
| Detention (IU Only) | | | | | | | |
| Sub Total | 47 | 847 | 169 | 66 | 363 | 249 | 381 |
| **GRAND TOTAL** | 99 | 1,892 | 387 | 93 | 402 | 1,010 | 750 |

FOR DISTRICT AND INTERMEDIATE UNIT USE

*Must equal total number of pupils served.
Percentage equals time spent with special education teacher.

I certify that the information contained herein is true and correct; further, that all special education programs and services and assignment of pupils are in accordance with State Board Regulations and standards of the Department of Education.

| | |
|---|---|
| SIGNATURE - DISTRICT SPECIAL EDUCATION DIRECTOR (IF ASSIGNED) | DATE |
| SIGNATURE - IU SPECIAL EDUCATION DIRECTOR (ALL REPORTS)<br>Russell P. Gilbert | DATE<br>1/27/78 |
| SIGNATURE - DISTRICT SUPERINTENDENT OR IU EXECUTIVE DIRECTOR (AS APPLICABLE) | DATE<br>1/27/78 |

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COMMONWEALTH OF PENNSYLVANIA · DEPARTMENT OF EDUCATION

# ANNUAL SPECIAL EDUCATION REPORT

DEBE-284 (11/77)

OPERATING SCHOOL DISTRICT OR IU: Composite, Intermediate Unit

IU NUMBER: 17

DATE: 2-9-78

*INSTRUCTIONS:* Each school district and intermediate unit conducting special education programs and services shall submit one copy of this form through the IU to the Bureau of Special and Compensatory Education, Division of Special Education, Box 911, Harrisburg, Pa. 17126. The initial report is due in the bureau no later than January 15 and shall represent those special education programs and services for which payment or reimbursement is expected from the State. Revisions will be accepted to May 1.

| CATEGORY OF SPECIAL EDUCATION | NUMBER OF CLASSES OR TEACHERS | TOTAL NUMBER OF PUPILS SERVED | PUPILS BY ORGANIZATIONAL PATTERN* | | | | TOTAL NUMBER OF EQUIVALENT FULL TIME ADM |
|---|---|---|---|---|---|---|---|
| | | | FULL TIME 80% + | PART-TIME 50% + | RESOURCE ROOM 20% – | ITINERANT 20% – | |
| **ELEMENTARY** | | | | | | | |
| Educable Mentally Retarded | 18 | 229 | 161 | 68 | | | 195.12 |
| Trainable Mentally Retarded | 8 | 85 | 85 | | | | 84 |
| Severely/Profoundly Mentally Retarded | 2 | 14 | 14 | | | | 14 |
| Socially and Emotionally Disturbed | 3 | 19 | 14 | 5 | | | 16.50 |
| Physically Handicapped | 1 | 7 | 7 | | | | 7 |
| Brain Injured | | | | | | | |
| Learning Disabled | 19 | 409 | 32 | 54 | 243 | 80 | 120.68 |
| Hearing Impaired | 7 | 45 | 7 | 11 | | 27 | 21.30 |
| Visually Impaired | 3 | 27 | | | | 27 | 6.11 |
| Speech and Language Impaired | 25 | 1681 | | | | 1681 | 39.30 |
| Gifted | 10 | 495 | | | 28 | 467 | 44.74 |
| Talented | | | | | | | |
| Multihandicapped | | | | | | | |
| Mixed Categories | 5 | 82 | | 23 | 59 | | 32.98 |
| Detention (IU Only) | | | | | | | |
| Sub Total | 101 | 3093 | 320 | 161 | 330 | 2282 | 581.73 |
| **SECONDARY** | | | | | | | |
| Educable Mentally Retarded | 13 | 203 | | 203 | | | 132.10 |
| Trainable Mentally Retarded | 6 | 79 | 79 | | | | 79 |
| Severely/Profoundly Mentally Retarded | 1 | 6 | 6 | | | | 6 |
| Socially and Emotionally Disturbed | | | | | | | |
| Physically Handicapped | 1 | 8 | | 8 | | | 5.14 |
| Brain Injured | | | | | | | |
| Learning Disabled | 1 | 35 | | | 19 | 16 | 8 |
| Hearing Impaired | | 5 | | | | 5 | 2.18 |
| Visually Impaired | | 7 | | | | 7 | 2.50 |
| Speech and Language Impaired | | 118 | | | | 118 | 2.86 |
| Gifted | | | | | | | |
| Talented | | | | | | | |
| Multihandicapped | | | | | | | |
| Mixed Categories | 13 | 209 | | 105 | 104 | | 74.44 |
| Detention (IU Only) | 3 | 34 | 29 | | 5 | | 23.38 |
| Sub Total | 38 | 704 | 114 | 316 | 128 | 146 | 335.60 |
| **GRAND TOTAL** | 139 | 3797 | 434 | 477 | 458 | 2428 | 917.33 |

FOR DISTRICT AND INTERMEDIATE UNIT USE

*Must equal total number of pupils served.
Percentage equals time spent with special education teacher.

I certify that the information contained herein is true and correct; further, that all special education programs and services and assignment of pupils are in accordance with State Board Regulations and standards of the Department of Education.

SIGNATURE · DISTRICT SPECIAL EDUCATION DIRECTOR (IF ASSIGNED) — DATE

SIGNATURE · IU SPECIAL EDUCATION DIRECTOR (ALL REPORTS) — DATE

Robert S Lent — 2/9/78

SIGNATURE · DISTRICT SUPERINTENDENT OR IU EXECUTIVE DIRECTOR (AS APPLICABLE) — DATE

COMMONWEALTH OF PENNSYLVANIA · DEPARTMENT OF EDUCATION

# ANNUAL SPECIAL EDUCATION REPORT

DESE-284 (11/77)

OPERATING SCHOOL DISTRICT OR IU: Composite District

IU NUMBER: 17

DATE: 2-9-78

*INSTRUCTIONS:* Each school district and intermediate unit conducting special education programs and services shall submit one copy of this form through the IU to the Bureau of Special and Compensatory Education, Division of Special Education, Box 911, Harrisburg, Pa. 17126. The initial report is due in the bureau no later than January 15 and shall represent those special education programs and services for which payment or reimbursement is expected from the State. Revisions will be accepted to May 1.

| CATEGORY OF SPECIAL EDUCATION | NUMBER OF CLASSES OR TEACHERS | TOTAL NUMBER OF PUPILS SERVED | PUPILS BY ORGANIZATIONAL PATTERN* |  |  |  | TOTAL NUMBER OF EQUIVALENT FULL TIME ADM |
|---|---|---|---|---|---|---|---|
|  |  |  | FULL TIME 80% + | PART-TIME 50% + | RESOURCE ROOM 50% − | ITINERANT 20% − |  |
| **ELEMENTARY** |  |  |  |  |  |  |  |
| Educable Mentally Retarded | 19 | 269 | 255 | 14 |  |  | 245.76 |
| Trainable Mentally Retarded | 1 | 11 | 11 |  |  |  | 11 |
| Severely/Profoundly Mentally Retarded |  |  |  |  |  |  |  |
| Socially and Emotionally Disturbed | 2 | 17 | 17 |  |  |  | 14 |
| Physically Handicapped |  |  |  |  |  |  |  |
| Brain Injured | 4 | 63 |  |  | 63 |  | 27 |
| Learning Disabled | 1 | 27 |  |  | 27 |  | 6 |
| Hearing Impaired |  |  |  |  |  |  |  |
| Visually Impaired |  |  |  |  |  |  |  |
| Speech and Language Impaired |  |  |  |  |  |  |  |
| Gifted | 6 | 238 |  |  |  | 238 | 49 |
| Talented |  |  |  |  |  |  |  |
| Multihandicapped |  |  |  |  |  |  |  |
| Mixed Categories | 1 | 8 | 8 |  |  |  | 7.28 |
| Detention (IU Only) |  |  |  |  |  |  |  |
| Sub Total | 34 | 633 | 291 | 14 | 90 | 238 | 360.04 |
| **SECONDARY** |  |  |  |  |  |  |  |
| Educable Mentally Retarded | 17 | 298 | 44 | 254 |  |  | 203.25 |
| Trainable Mentally Retarded | 2 | 25 | 25 |  |  |  | 25 |
| Severely/Profoundly Mentally Retarded |  |  |  |  |  |  |  |
| Socially and Emotionally Disturbed |  |  |  |  |  |  |  |
| Physically Handicapped |  |  |  |  |  |  |  |
| Brain Injured |  |  |  |  |  |  |  |
| Learning Disabled |  |  |  |  |  |  |  |
| Hearing Impaired |  |  |  |  |  |  |  |
| Visually Impaired |  |  |  |  |  |  |  |
| Speech and Language Impaired |  |  |  |  |  |  |  |
| Gifted |  |  |  |  |  |  |  |
| Talented |  |  |  |  |  |  |  |
| Multihandicapped |  |  |  |  |  |  |  |
| Mixed Categories L.D., SED, EMR | 5 | 73 |  | 73 |  |  | 57 |
| Detention (IU Only) |  |  |  |  |  |  |  |
| Sub Total | 24 | 396 | 69 | 327 |  |  | 285.25 |
| GRAND TOTAL | 58 | 1029 | 360 | 341 | 90 | 238 | 645.29 |

*Must equal total number of pupils served.
Percentage equals time spent with special education teacher.

FOR DISTRICT AND INTERMEDIATE UNIT USE

I certify that the information contained herein is true and correct; further, that all special education programs and services and assignment of pupils are in accordance with State Board Regulations and standards of the Department of Education.

SIGNATURE · DISTRICT SPECIAL EDUCATION DIRECTOR (IF ASSIGNED) | DATE

SIGNATURE · IU SPECIAL EDUCATION DIRECTOR (ALL REPORTS) | DATE

Robert S. Lent | 2/9/78

SIGNATURE · DISTRICT SUPERINTENDENT OR IU EXECUTIVE DIRECTOR (AS APPLICABLE) | DATE

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COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF EDUCATION

## ANNUAL SPECIAL EDUCATION REPORT

DEBE-284 (11/77)

| | |
|---|---|
| OPERATING SCHOOL DISTRICT OR IU | Luzerne Intermediate Unit |
| IU NUMBER 18 | DATE March 8, 1978 |

*INSTRUCTIONS.* Each school district and intermediate unit conducting special education programs and services shall submit one copy of this form through the IU to the Bureau of Special and Compensatory Education, Division of Special Education, Box 911, Harrisburg, Pa. 17126. The initial report is due in the bureau no later than January 15 and shall represent those special education programs and services for which payment or reimbursement is expected from the State. Revisions will be accepted to May 1.

| CATEGORY OF SPECIAL EDUCATION | NUMBER OF CLASSES OR TEACHERS | TOTAL NUMBER OF PUPILS SERVED | PUPILS BY ORGANIZATIONAL PATTERN* | | | | TOTAL NUMBER OF EQUIVALENT FULL TIME ADM |
|---|---|---|---|---|---|---|---|
| | | | FULL TIME 80% + | PART-TIME 50% + | RESOURCE ROOM 50% − | ITINERANT 20% − | |
| **ELEMENTARY** | | | | | | | |
| Educable Mentally Retarded | 19 | 278 | 222 | | | 56 | 210 |
| Trainable Mentally Retarded | 11 | 106 | 70 | | | 36 | 74 |
| Severely/Profoundly Mentally Retarded | 10 | 49 | 49 | | | | 49 |
| Socially and Emotionally Disturbed | 6 | 27 | 27 | | | | 27 |
| Physically Handicapped | 5 | 50 | 50 | | | | 50 |
| Brain Injured | 14 | 99 | 99 | | | | 84 |
| Learning Disabled | 8 | 163 | | | 50 | 113 | 37 |
| Hearing Impaired | 1 | 11 | 11 | | | | 11 |
| Visually Impaired | 4 | 24 | 7 | | | 17 | 12.5 |
| Speech and Language Impaired | 30 | 1909 | | | | 1909 | 73 |
| Gifted | 2 | 35 | | | | 35 | 8 |
| Talented | | | | | | | |
| Multihandicapped | | | | | | | |
| Mixed Categories | | | | | | | |
| Detention (IU Only) | | | | | | | |
| Sub Total | 110 | 2751 | 535 | | 50 | 2166 | 635.5 |
| **SECONDARY** | | | | | | | |
| Educable Mentally Retarded | 18 | 260 | 204 | | 36 | 20 | 183 |
| Trainable Mentally Retarded | 11 | 117 | 85 | | | 32 | 81 |
| Severely/Profoundly Mentally Retarded | 33 | 117 | 117 | | | | 117 |
| Socially and Emotionally Disturbed | 2 | 36 | 28 | | | 8 | 29 |
| Physically Handicapped | 3 | 18 | 18 | | | | 18 |
| Brain Injured | 5 | 49 | | 49 | | | 37 |
| Learning Disabled | | 8 | | | | 8 | 1 |
| Hearing Impaired | | | | | | | |
| Visually Impaired | | 20 | | | | 20 | 6.5 |
| Speech and Language Impaired | | 444 | | | | 444 | 17 |
| Gifted | | | | | | | |
| Talented | 1 | 114 | | | | 114 | 4 |
| Multihandicapped | | | | | | | |
| Mixed Categories | | | | | | | |
| Detention (IU Only) | 2 | 63 | 63 | | | | 2 |
| Sub Total | 75 | 1246 | 515 | 49 | 36 | 646 | 495.5 |
| **GRAND TOTAL** | 185 | 3997 | 1050 | 49 | 86 | 2812 | 1131 |

FOR DISTRICT AND INTERMEDIATE UNIT USE

*Must equal total number of pupils served.
Percentage equals time spent with special education teacher.

I certify that the information contained herein is true and correct; further, that all special education programs and services and assignment of pupils are in accordance with State Board Regulations and standards of the Department of Education.

| | |
|---|---|
| SIGNATURE - DISTRICT SPECIAL EDUCATION DIRECTOR (IF ASSIGNED) | DATE |
| SIGNATURE - IU SPECIAL EDUCATION DIRECTOR (ALL REPORTS) | DATE 3-8-78 |
| SIGNATURE - DISTRICT SUPERINTENDENT OR IU EXECUTIVE DIRECTOR (AS APPLICABLE)<br>Luzerne Intermediate Unit<br>Executive Director | DATE March 14, 1978 |

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COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF EDUCATION

## ANNUAL SPECIAL EDUCATION REPORT

DEBE-304 (11/77)

OPERATING SCHOOL DISTRICT OR IU: District Compilations

IU NUMBER: 18

DATE: March 8, 1978

*INSTRUCTIONS:* Each school district and intermediate unit conducting special education programs and services shall submit one copy of this form through the IU to the Bureau of Special and Compensatory Education, Division of Special Education, Box 911, Harrisburg, Pa. 17126. The initial report is due in the bureau no later than January 15 and shall represent those special education programs and services for which payment or reimbursement is expected from the State. Revisions will be accepted to May 1.

| CATEGORY OF SPECIAL EDUCATION | NUMBER OF CLASSES OR TEACHERS | TOTAL NUMBER OF PUPILS SERVED | PUPILS BY ORGANIZATIONAL PATTERN* | | | | TOTAL NUMBER OF EQUIVALENT FULL TIME ADM |
|---|---|---|---|---|---|---|---|
| | | | FULL TIME [illegible]% + | PART-TIME [illegible]% + | RESOURCE ROOM [illegible]% − | ITINERANT [illegible]% − | |
| **ELEMENTARY** | | | | | | | |
| Educable Mentally Retarded | 19.5 | 241 | 225 | 16 | | | 230.30 |
| Trainable Mentally Retarded | 4 | 50 | 50 | | | | 50 |
| Severely/Profoundly Mentally Retarded | | | | | | | |
| Socially and Emotionally Disturbed | | | | | | | |
| Physically Handicapped | 1 | 12 | 12 | | | | 12 |
| Brain Injured | | | | | | | |
| Learning Disabled | 10 | 111 | 72 | 39 | | | 85.70 |
| Hearing Impaired | | | | | | | |
| Visually Impaired | | | | | | | |
| Speech and Language Impaired | 9 | 813 | | | | 813 | 27 |
| Gifted | 25 | 375 | 375 | | | | 353.10 |
| Talented | | | | | | | |
| Multihandicapped | | | | | | | |
| Mixed Categories | | | | | | | |
| Detention (IU Only) | | | | | | | |
| Sub Total | 68.5 | 1602 | 734 | 55 | | 813 | 758.10 |
| **SECONDARY** | | | | | | | |
| Educable Mentally Retarded | 18.5 | 321 | 119 | 202 | | | 236.21 |
| Trainable Mentally Retarded | 5 | 46 | 46 | | | | 46 |
| Severely/Profoundly Mentally Retarded | | | | | | | |
| Socially and Emotionally Disturbed | | | | | | | |
| Physically Handicapped | 1 | 11 | 8 | 3 | | | 10 |
| Brain Injured | | | | | | | |
| Learning Disabled | | | | | | | |
| Hearing Impaired | | | | | | | |
| Visually Impaired | | | | | | | |
| Speech and Language Impaired | | | | | | | |
| Gifted | 3 | 53 | | | 53 | | 18 |
| Talented | | | | | | | |
| Multihandicapped | | | | | | | |
| Mixed Categories | | | | | | | |
| Detention (IU Only) | | | | | | | |
| Sub Total | 27.5 | 431 | 173 | 205 | 53 | | 310.21 |
| **GRAND TOTAL** | 96 | 2033 | 907 | 260 | 53 | 813 | 1068.31 |

FOR DISTRICT AND INTERMEDIATE UNIT USE

*Must equal total number of pupils served.
Percentage equals time spent with special education teacher.

I certify that the information contained herein is true and correct; further, that all special education programs and services and assignment of pupils are in accordance with State Board Regulations and standards of the Department of Education.

SIGNATURE - DISTRICT SPECIAL EDUCATION DIRECTOR (IF ASSIGNED) DATE

SIGNATURE - IU SPECIAL EDUCATION DIRECTOR (ALL REPORTS) DATE 3-8-78

SIGNATURE - DISTRICT SUPERINTENDENT OR IU EXECUTIVE DIRECTOR (AS APPLICABLE) DATE

Luzerne Intermediate Unit
Executive Director
March 14, 1978

COMMONWEALTH OF PENNSYLVANIA · DEPARTMENT OF EDUCATION

## ANNUAL [illegible] REPORT

DEBE-384 (11/77)

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DIVISION OF
SPECIAL EDUCATION

|  |  |
|---|---|
| OPERATING SCHOOL DISTRICT OR IU | Northeastern Educational Intermediate Unit |
| IU NUMBER | #19 |
| DATE | January 15, 1978 |

*INSTRUCTIONS:* Each school district and intermediate unit conducting special education programs and services shall submit one copy of this form through the IU to the Bureau of Special and Compensatory Education, Division of Special Education, Box 911, Harrisburg, Pa. 17126. The initial report is due in the bureau no later than January 15 and shall represent those special education programs and services for which payment or reimbursement is expected from the State. Revisions will be accepted to May 1.

| CATEGORY OF SPECIAL EDUCATION | OF CLASSES OR TEACHERS | TOTAL NUMBER OF PUPILS SERVED | PUPILS BY ORGANIZATIONAL PATTERN* |  |  |  | TOTAL NUMBER OF EQUIVALENT FULL TIME ADM |
|---|---|---|---|---|---|---|---|
|  |  |  | FULL TIME 80% + | PART-TIME 50% + | RESOURCE ROOM 50% − | ITINERANT 20% − |  |
| **ELEMENTARY** |  |  |  |  |  |  |  |
| Educable Mentally Retarded | 24 | 224 | 224 |  |  |  | 210 |
| Trainable Mentally Retarded | 11 | 103 | 103 |  |  |  | 95 |
| Severely/Profoundly Mentally Retarded | 19 | 100 | 100 |  |  |  | 95 |
| Socially and Emotionally Disturbed | 9 | 67 | 47 |  |  | 20 | 70 |
| Physically Handicapped | 3 | 25 | 25 |  |  |  | 24 |
| Brain Injured |  |  |  |  |  |  |  |
| Learning Disabled | 25.5 | 506 | 47 |  | 41 | 418 | 135 |
| Hearing Impaired | [illegible] | 42 |  |  |  | 42 | 20 |
| Visually Impaired | 6 | 70 | 8 |  |  | 62 | 27 |
| Speech and Language Impaired | 36 | 2000 |  |  |  | 2000 | 100 |
| Gifted |  |  |  |  |  |  |  |
| Talented |  |  |  |  |  |  |  |
| Multihandicapped | 2 | 9 | 9 |  |  |  | 9 |
| Mixed Categories |  |  |  |  |  |  |  |
| Detention (IU Only) |  |  |  |  |  |  |  |
| Sub Total | 140.5 | 3146 | 563 |  | 41 | 2542 | 785 |
| **SECONDARY** |  |  |  |  |  |  |  |
| Educable Mentally Retarded | 41 | 408 | 358 | 50 |  |  | 390 |
| Trainable Mentally Retarded | 13 | 143 | 143 |  |  |  | 137 |
| Severely/Profoundly Mentally Retarded | 2 | 15 | 15 |  |  |  | 14 |
| Socially and Emotionally Disturbed | 12 | 109 | 59 |  |  | 50 | 70 |
| Physically Handicapped | 2 | 17 | 17 |  |  |  | 16 |
| Brain Injured |  |  |  |  |  |  |  |
| Learning Disabled | 4.5 | 159 | 8 |  | 78 | 73* | 18 |
| Hearing Impaired | 1 | 15 |  |  |  | 15* | 7 |
| Visually Impaired |  | 17 |  |  |  | 17* | - |
| Speech and Language Impaired |  | 212 |  |  |  | 212* | - |
| Gifted | 1 | 50 |  |  |  | 50 | 4 |
| Talented | 15 | 100 |  |  |  | 100 | 20 |
| Multihandicapped |  |  |  |  |  |  |  |
| Mixed Categories |  |  |  |  |  |  |  |
| Detention (IU Only) | 1 | 90 |  |  |  | 90 | 10 |
| Sub Total | 92.5 | 1335 | 600 | 50 | 78 | 607 | 686 |
| **GRAND TOTAL** | 233 | 4481 | 1163 | 50 | 119 | 3149 | 1471 |

FOR DISTRICT AND INTERMEDIATE UNIT USE

*Must equal total number of pupils served.
Percentage equals time spent with special education teacher.

I certify that the information contained herein is true and correct; further, that all special education programs and services and assignment of pupils are in accordance with State Board Regulations and standards of the Department of Education.

SIGNATURE · DISTRICT SPECIAL EDUCATION DIRECTOR (IF ASSIGNED) DATE

SIGNATURE · IU SPECIAL EDUCATION DIRECTOR (ALL REPORTS) DATE

John J. Haggerty January 15, 1978

SIGNATURE · DISTRICT SUPERINTENDENT OR IU EXECUTIVE DIRECTOR (AS APPLICABLE) DATE

P. M. Mensley January 15, 1978

NOTE* served by teachers listed in elementary -44-

COMMONWEALTH OF PENNSYLVANIA - DEPARTMENT OF EDUCATION

**ANNUAL SPECIAL EDUCATION REPORT**

DEBE-284 (11/77)

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DIVISION OF
SPECIAL EDUCATION

OPERATING SCHOOL DISTRICT OR IU: DISTRICT COMPOSITE
IU NUMBER: 19
DATE: 1/15/78

*INSTRUCTIONS:* Each school district and intermediate unit conducting special education programs and services shall submit one copy of this form through the IU to the Bureau of Special and Compensatory Education, Division of Special Education, Box 911, Harrisburg, Pa. 17126. The initial report is due in the bureau no later than January 15 and shall represent those special education programs and services for which payment or reimbursement is expected from the State. Revisions will be accepted to May 1.

| CATEGORY OF SPECIAL EDUCATION | NUMBER OF CLASSES OR TEACHERS | TOTAL NUMBER OF PUPILS SERVED | PUPILS BY ORGANIZATIONAL PATTERN* | | | | TOTAL NUMBER OF EQUIVALENT FULL TIME ADM |
|---|---|---|---|---|---|---|---|
| | | | FULL TIME 80% + | PART-TIME 50% + | RESOURCE ROOM 49% – | ITINERANT 20% – | |
| ELEMENTARY | | | | | | | |
| Educable Mentally Retarded | 15.5 | 190 | 183 | | 7 | | 172.28 |
| Trainable Mentally Retarded | 3 | 18 | 18 | | | | 15.30 |
| Severely/Profoundly Mentally Retarded | 1 | 6 | 6 | | | | 5.10 |
| Socially and Emotionally Disturbed | | | | | | | |
| Physically Handicapped | | | | | | | |
| Brain Injured | | | | | | | |
| Learning Disabled | 8 | 89 | 70 | | | 19 | 70 |
| Hearing Impaired | 1 | 30 | | | | 30 | .70 |
| Visually Impaired | | | | | | | |
| Speech and Language Impaired | 6 | 459 | | | | 459 | 21 |
| Gifted | | | | | | | |
| Talented | | | | | | | |
| Multihandicapped | | | | | | | |
| Mixed Categories | | | | | | | |
| Detention (IU Only) | | | | | | | |
| Sub Total | 34.5 | 792 | 277 | | 7 | 508 | 286.38 |
| SECONDARY | | | | | | | |
| Educable Mentally Retarded | 17.5 | 346 | 126 | 201 | 19 | | 235.80 |
| Trainable Mentally Retarded | 1 | 14 | 14 | | | | 12.18 |
| Severely/Profoundly Mentally Retarded | | | | | | | |
| Socially and Emotionally Disturbed | | | | | | | |
| Physically Handicapped | | | | | | | |
| Brain Injured | | | | | | | |
| Learning Disabled | 4 | 64 | 20 | | | 44 | 28.60 |
| Hearing Impaired | | | | | | | |
| Visually Impaired | | | | | | | |
| Speech and Language Impaired | 1 | 110 | | | | 110 | 6.00 |
| Gifted | | | | | | | |
| Talented | | | | | | | |
| Multihandicapped | | | | | | | |
| Mixed Categories | | | | | | | |
| Detention (IU Only) | | | | | | | |
| Sub Total | 23.5 | 534 | 160 | 201 | 19 | 154 | 282.58 |
| GRAND TOTAL | 58 | 1326 | 437 | 201 | 26 | 662 | 568.96 |

FOR DISTRICT AND INTERMEDIATE UNIT USE

*Must equal total number of pupils served.
Percentage equals time spent with special education teacher.

I certify that the information contained herein is true and correct; further, that all special education programs and services and assignment of pupils are in accordance with State Board Regulations and standards of the Department of Education.

SIGNATURE - DISTRICT SPECIAL EDUCATION DIRECTOR (IF ASSIGNED) DATE

SIGNATURE - IU SPECIAL EDUCATION DIRECTOR (ALL REPORTS) DATE
John J. Haggerty January 15, 1978

SIGNATURE - DISTRICT SUPERINTENDENT OR IU EXECUTIVE DIRECTOR (AS APPLICABLE) DATE
P. M. [illegible] January 15, 1978

COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF EDUCATION

# ANNUAL SPECIAL EDUCATION REPORT

DEBE-284 (11/77) 1977-78

OPERATING SCHOOL DISTRICT OR IU: Colonial Northampton I.U. #20

IU NUMBER: 20

DATE: 3-1-78

*INSTRUCTIONS:* Each school district and intermediate unit conducting special education programs and services shall submit one copy of this form through the IU to the Bureau of Special and Compensatory Education, Division of Special Education, Box 911, Harrisburg, Pa. 17126. The initial report is due in the bureau no later than [illegible] those special education programs and services for which payment or reimbursement is expected from the State. Revisions will be accepted prior to [illegible] 1.

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DIVISION OF SPECIAL EDUCATION

| | NUMBER OF CLASSES OR TEACHERS | TOTAL NUMBER OF PUPILS SERVED | PUPILS BY ORGANIZATIONAL PATTERN* FULL TIME 80% + | PART-TIME 50% + | RESOURCE ROOM 50% – | ITINERANT 20% – | TOTAL NUMBER OF EQUIVALENT FULL TIME ADM |
|---|---|---|---|---|---|---|---|
| **ELEMENTARY** | | | | | | | |
| Educable Mentally Retarded | 5 | 56 | 56 | | | | 56 |
| Trainable Mentally Retarded | 7 | 70 | 70 | | | | 70 |
| Severely/Profoundly Mentally Retarded | 4 | 26 | 25 | | | 1 | 25 |
| Socially and Emotionally Disturbed | 9 | 92 | 92 | | | | 92 |
| Physically Handicapped | 2 | 16 | 16 | | | | 16 |
| Brain Injured | | | | | | | |
| Learning Disabled | 9 | 92 | 92 | | | | 92 |
| Hearing Impaired | 5 | 33 | 5 | | | 28 | 11 |
| Visually Impaired | 3 | 36 | | | | 36 | 8 |
| Speech and Language Impaired | 19 | 949 | | | | 949 | 280 |
| Gifted | 6 | 276 | 35 | | | 241 | 100 |
| Talented | | | | | | | |
| Multihandicapped | | | | | | | |
| Mixed Categories | 22 | 329 | 75 | | 254 | | 205 |
| Detention (IU Only) | | | | | | | |
| Sub Total | 91 | 1975 | 466 | | 254 | 1255 | 955 |
| **SECONDARY** | | | | | | | |
| Educable Mentally Retarded | 18 | 248 | 248 | | | | 248 |
| Trainable Mentally Retarded | 6 | 81 | 81 | | | | 81 |
| Severely/Profoundly Mentally Retarded | 1 | 12 | 12 | | | | 12 |
| Socially and Emotionally Disturbed | 3 | 21 | 21 | | | | 21 |
| Physically Handicapped | 2 | 25 | 25 | | | | 25 |
| Brain Injured | | | | | | | |
| Learning Disabled | 6 | 76 | 76 | | | | 76 |
| Hearing Impaired | 2 | 26 | | | | 26 | 5 |
| Visually Impaired | 2 | 14 | | | | 14 | 3 |
| Speech and Language Impaired | 2 | 117 | | | | 117 | 29 |
| Gifted | 2 | 97 | | | | 97 | 26 |
| Talented | | | | | | | |
| Multihandicapped | | | | | | | |
| Mixed Categories | 14 | 268 | 14 | | 254 | | 144 |
| Detention (IU Only) | 1 | 14 | | | 14 | | 7 |
| Sub Total | 59 | 999 | 477 | | 268 | 254 | 677 |
| **GRAND TOTAL** | 150 | 2974 | 943 | | 522 | 1509 | 1632 |

FOR DISTRICT AND INTERMEDIATE UNIT USE

*Must equal total number of pupils served.
Percentage equals time spent with special education teacher.

I certify that the information contained herein is true and correct; further, that all special education programs and services and assignment of pupils are in accordance with State Board Regulations and standards of the Department of Education.

SIGNATURE DISTRICT SPECIAL EDUCATION DIRECTOR (IF ASSIGNED) DATE

SIGNATURE IU SPECIAL EDUCATION DIRECTOR (ALL REPORTS) DATE

3-10-78

SIGNATURE ~~DISTRICT SUPERINTENDENT~~ OR IU EXECUTIVE DIRECTOR (AS APPLICABLE) DATE

3-10-78

COMMONWEALTH OF PENNSYLVANIA · DEPARTMENT OF EDUCATION

## ANNUAL SPECIAL EDUCATION REPORT

DESE-204 (11/77)

1977-78

OPERATING SCHOOL DISTRICT OR IU: District Composite
IU NUMBER: #20
DATE: 3-1-78

*INSTRUCTIONS:* Each school district and intermediate unit conducting special education programs and services shall submit one copy of this form through the IU to the Bureau of Special and Compensatory Education, Division of Special Education, Box 911, Harrisburg, Pa. 17126. The initial report is due in the Bureau no later than [illegible] and shall represent those special education programs and services for which payment or reimbursement is expected from the State. Revisions will be [illegible]

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DIVISION OF SPECIAL EDUCATION

| CATEGORY SPECIAL EDUCATION | NUMBER OF CLASSES OR TEACHERS | TOTAL NUMBER OF PUPILS SERVED | PUPILS BY ORGANIZATIONAL PATTERN* FULL TIME 80% + | PART-TIME 50% + | RESOURCE ROOM 50% − | ITINERANT 20% − | TOTAL NUMBER OF EQUIVALENT FULL TIME ADM |
|---|---|---|---|---|---|---|---|
| **ELEMENTARY** | | | | | | | |
| Educable Mentally Retarded | 14 | 186 | 170 | 16 | | | 182 |
| Trainable Mentally Retarded | 2 | 18 | 18 | | | | 18 |
| Severely/Profoundly Mentally Retarded | | | | | | | |
| Socially and Emotionally Disturbed | 3 | 29 | 11 | 18 | | | 21 |
| Physically Handicapped | 2 | 20 | 20 | | | | 20 |
| Brain Injured | | | | | | | |
| Learning Disabled | 6 | 70 | 52 | 18 | | | 64 |
| Hearing Impaired | | | | | | | |
| Visually Impaired | 1* | 2 | | | | 2 | 1 |
| Speech and Language Impaired | 7* | 725 | | | | 725 | 181 |
| Gifted | 1 | 258 | | | | 258 | 65 |
| Talented | | | | | | | |
| Multihandicapped | | | | | | | |
| Mixed Categories | | | | | | | |
| Detention (IU Only) | | | | | | | |
| Sub Total | 36 | 1308 | 271 | 52 | | 985 | 552 |
| **SECONDARY** | | | | | | | |
| Educable Mentally Retarded | 24 | 373 | 262 | 99 | | 12 | 343 |
| Trainable Mentally Retarded | 2 | 25 | 25 | | | | 25 |
| Severely/Profoundly Mentally Retarded | | | | | | | |
| Socially and Emotionally Disturbed | 1 | 19 | | | 19 | | 10 |
| Physically Handicapped | 1 | 9 | 9 | | | | 9 |
| Brain Injured | | | | | | | |
| Learning Disabled | 2 | 17 | | | 17 | | 9 |
| Hearing Impaired | | | | | | | |
| Visually Impaired | * | 5 | | | 5 | | 2 |
| Speech and Language Impaired | 1* | 16 | | | | 16 | 5 |
| Gifted | 1 | 198 | | | | 198 | 50 |
| Talented | | | | | | | |
| Multihandicapped | | | | | | | |
| Mixed Categories | | | | | | | |
| Detention (IU Only) | | | | | | | |
| Sub Total | 32 | 662 | 296 | 99 | 41 | 226 | 453 |
| **GRAND TOTAL** | 68 | 1970 | 567 | 151 | 41 | 1211 | 1005 |

FOR DISTRICT AND INTERMEDIATE UNIT USE

*Must equal total number of pupils served.
Percentage equals time spent with special education teacher.

I certify that the information contained herein is true and correct; further, that all special education programs and services and assignment of pupils are in accordance with State Board Regulations and standards of the Department of Education.

SIGNATURE - DISTRICT SPECIAL EDUCATION DIRECTOR (IF ASSIGNED) DATE

SIGNATURE - IU SPECIAL EDUCATION DIRECTOR (ALL REPORTS) DATE 3-10-78

SIGNATURE - ~~DISTRICT SUPERINTENDENT OR~~ IU EXECUTIVE DIRECTOR (AS APPLICABLE) DATE
H. Russell Huber 3-10-78

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COMMONWEALTH OF PENNSYLVANIA - DEPARTMENT OF EDUCATION

## ANNUAL SPECIAL EDUCATION REPORT

DEBE-284 (11/77)

| | |
|---|---|
| OPERATING SCHOOL DISTRICT OR IU | Carbon-Lehigh Intermediate Unit |
| IU NUMBER 21 | DATE 3/10/78 |

*INSTRUCTIONS:* Each school district and intermediate unit conducting special education programs and services shall submit one copy of this form through the IU to the Bureau of Special and Compensatory Education, Division of Special Education, Box 911, Harrisburg, Pa. 17126. The initial report is due in the bureau no later than January 15 and shall represent those special education programs and services for which payment or reimbursement is expected from the State. Revisions will be accepted to May 1.

| CATEGORY OF SPECIAL EDUCATION | NUMBER OF CLASSES OR TEACHERS | TOTAL NUMBER OF PUPILS SERVED | PUPILS BY ORGANIZATIONAL PATTERN* | | | | TOTAL NUMBER OF EQUIVALENT FULL TIME ADM |
|---|---|---|---|---|---|---|---|
| | | | FULL TIME 80% + | PART-TIME 50% + | RESOURCE ROOM 80% – | ITINERANT 20% – | |
| **ELEMENTARY** | | | | | | | |
| Educable Mentally Retarded | 3 | 39 | 39 | | | | 37 |
| Trainable Mentally Retarded | 3 | 28 | 28 | | | | 25 |
| Severely/Profoundly Mentally Retarded | 2 | 23 | 23 | | | | 25 |
| Socially and Emotionally Disturbed | 10 | 71 | 71 | | | | 62 |
| Physically Handicapped | 1 | 10 | 10 | | | | 10 |
| Brain Injured | | | | | | | |
| Learning Disabled | 11 | 183 | 72 | | 34 | 77 | 87 |
| Hearing Impaired | 5 | 37 | 17 | | | 20 | 19 |
| Visually Impaired | 2 | 21 | | | | 21 | 1 |
| Speech and Language Impaired | 18 | 1221 | | | | 1221 | 39 |
| Gifted | 5 | 298 | | | | 298 | 29 |
| Talented | | | | | | | |
| Multihandicapped | | | | | | | |
| Mixed Categories | | | | | | | |
| Detention (IU Only) | | | | | | | |
| Sub Total | 60 | 1931 | 260 | | 34 | 1637 | 334 |
| **SECONDARY** | | | | | | | |
| Educable Mentally Retarded | 5 | 59 | 59 | | | | 57 |
| Trainable Mentally Retarded | 6 | 75 | 75 | | | | 70 |
| Severely/Profoundly Mentally Retarded | 3 | 21 | 21 | | | | 21 |
| Socially and Emotionally Disturbed | 6 | 69 | 51 | | 18 | | 42 |
| Physically Handicapped | 1 | 11 | 11 | | | | 10 |
| Brain Injured | | | | | | | |
| Learning Disabled | 4 | 48 | 48 | | | | 42 |
| Hearing Impaired | 0 | 4 | | | | 4 | 0 |
| Visually Impaired | 0 | 13 | | | | 13 | 1 |
| Speech and Language Impaired | 0 | 80 | | | | 80 | 3 |
| Gifted | | | | | | | |
| Talented | 0 | 6 | 6 | | | | 6 |
| Multihandicapped | | | | | | | |
| Mixed Categories | 2 | 29 | 29 | | | | 12 |
| Detention (IU Only) | 1 | 58 | 58 | | | | 5 |
| Sub Total | 28 | 473 | 358 | | 18 | 97 | 269 |
| **GRAND TOTAL** | 88 | 2404 | 618 | | 52 | 1734 | 603 |

FOR DISTRICT AND INTERMEDIATE UNIT USE

*Must equal total number of pupils served.
Percentage equals time spent with special education teacher.

I certify that the information contained herein is true and correct; further, that all special education programs and services and assignment of pupils are in accordance with State Board Regulations and standards of the Department of Education.

SIGNATURE - DISTRICT SPECIAL EDUCATION DIRECTOR (IF ASSIGNED) DATE

SIGNATURE - IU SPECIAL EDUCATION DIRECTOR (ALL REPORTS) DATE 3/15/78

SIGNATURE - DISTRICT SUPERINTENDENT OR IU EXECUTIVE DIRECTOR (AS APPLICABLE) DATE

Jerry B. Stout 3/15/78

COMMONWEALTH OF PENNSYLVANIA · DEPARTMENT OF EDUCATION

## ANNUAL SPECIAL EDUCATION REPORT

DEBE-304 (11/77)

OPERATING SCHOOL DISTRICT OR IU: Districts - Composite

IU NUMBER: 21

DATE: 3/10/78

INSTRUCTIONS: Each school district and intermediate unit conducting special education programs and services shall submit one copy of this form through the IU to the Bureau of Special and Compensatory Education, Division of Special Education, Box 911, Harrisburg, Pa. 17126. The initial report is due in the bureau no later than January 15 and shall represent those special education programs and services for which payment or reimbursement is requested from the State. Revisions will be accepted to May 1.

| CATEGORY OF SPECIAL EDUCATION | NUMBER OF CLASSES OR TEACHERS | TOTAL NUMBER OF PUPILS SERVED | PUPILS BY ORGANIZATIONAL PATTERN* | | | | TOTAL NUMBER OF EQUIVALENT FULL TIME ADM |
|---|---|---|---|---|---|---|---|
| | | | FULL TIME 80% + | PART-TIME 50% + | RESOURCE ROOM 50% − | ITINERANT 20% − | |
| ELEMENTARY | | | | | | | |
| Educable Mentally Retarded | 17 | 217 | 212 | - | 5 | - | 214.45 |
| Trainable Mentally Retarded | 3 | 33 | 33 | - | - | - | 33 |
| Severely/Profoundly Mentally Retarded | - | - | - | - | - | - | - |
| Socially and Emotionally Disturbed | 4 | 32 | 32 | - | - | - | 32 |
| Physically Handicapped | 2 | 28 | 28 | - | - | - | 28 |
| Brain Injured | - | - | - | - | - | - | - |
| Learning Disabled | 18 | 302 | 84 | - | 218 | - | 144.37 |
| Hearing Impaired | 1 | 4 | - | - | - | 4 | 1 |
| Visually Impaired | 1 | 3 | 1 | - | 2 | - | 2 |
| Speech and Language Impaired | 4 | 823 | - | - | - | 823 | 14 |
| Gifted | 50 | 282 | - | 231 | - | 51 | 156 |
| Talented | - | - | - | - | - | - | - |
| Multihandicapped | - | - | - | - | - | - | - |
| Mixed Categories | 10 | 205 | 36 | - | 157 | 12 | 72 |
| Detention (IU Only) | - | - | - | - | - | - | - |
| Sub Total | 110 | 1929 | 426 | 231 | 382 | 890 | 696.82 |
| SECONDARY | | | | | | | |
| Educable Mentally Retarded | 17 | 266 | 262 | | 4 | - | 263 |
| Trainable Mentally Retarded | 2 | 33 | 33 | - | - | - | 33 |
| Severely/Profoundly Mentally Retarded | - | - | - | - | - | - | - |
| Socially and Emotionally Disturbed | 3 | 19 | 19 | - | - | - | 19 |
| Physically Handicapped | - | - | - | - | - | - | - |
| Brain Injured | - | - | - | - | - | - | - |
| Learning Disabled | 7 | 206 | - | - | 206 | - | 48.73 |
| Hearing Impaired | - | 7 | - | - | - | 7 | 1 |
| Visually Impaired | - | 6 | - | - | - | 6 | 1 |
| Speech and Language Impaired | - | 55 | - | - | - | 55 | 1 |
| Gifted | 78.25 | 440 | - | 420 | - | 20 | 194 |
| Talented | - | - | - | - | - | - | - |
| Multihandicapped | - | - | - | - | - | - | - |
| Mixed Categories | 10 | 201 | 14 | 26 | 161 | - | 68 |
| Detention (IU Only) | - | - | - | - | - | - | - |
| Sub Total | 117.25 | 1233 | 328 | 446 | 371 | 88 | 628.73 |
| GRAND TOTAL | 227.25 | 3162 | 754 | 677 | 753 | 978 | 1325.55 |

FOR DISTRICT AND INTERMEDIATE UNIT USE

*Must equal total number of pupils served.
Percentage equals time spent with special education teacher.

I certify that the information contained herein is true and correct to the best of my knowledge and belief, that all special education programs and services and assignment of pupils are in accordance with State Board Regulations and standards of the Department of Education.

SIGNATURE - DISTRICT SPECIAL EDUCATION DIRECTOR (IF ASSIGNED) DATE

SPECIAL EDUCATION

SIGNATURE - IU SPECIAL EDUCATION DIRECTOR (ALL REPORTS) DATE 3/15/78

SIGNATURE - DISTRICT SUPERINTENDENT OR IU EXECUTIVE DIRECTOR (AS APPLICABLE) DATE

Jerry B. Stout 3/15/78

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COMMONWEALTH OF PENNSYLVANIA · DEPARTMENT OF EDUCATION

## ANNUAL SPECIAL EDUCATION REPORT

DEBE-304 (11/77)

| | |
|---|---|
| OPERATING SCHOOL DISTRICT OR IU | Bucks County Schools I.U. #22 |
| IU NUMBER | #22 |
| DATE | Jan. 1978 |

*INSTRUCTIONS:* Each school district and intermediate unit conducting special education programs and services shall submit one copy of this form through the IU to the Bureau of Special and Compensatory Education, Division of Special Education, Box 911, Harrisburg, Pa. 17126. The initial report is due in the Bureau no later than January 15 and shall represent those special education programs and services for which payment or reimbursement is expected from the State. Revisions will be accepted to May 1.

| CATEGORY OF SPECIAL EDUCATION | NUMBER OF CLASSES OR TEACHERS | TOTAL NUMBER OF PUPILS SERVED | PUPILS BY ORGANIZATIONAL PATTERN* | | | | TOTAL NUMBER OF EQUIVALENT FULL TIME ADM |
|---|---|---|---|---|---|---|---|
| | | | FULL TIME 80% + | PART-TIME 50% + | RESOURCE ROOM 50% – | ITINERANT 20% – | |
| **ELEMENTARY** | | | | | | | |
| Educable Mentally Retarded | | | | | | | |
| Trainable Mentally Retarded | 2 | 17 | 17 | | | | 17 |
| Severely/Profoundly Mentally Retarded | 25 | 206 | 206 | | | | 206 |
| Socially and Emotionally Disturbed | 7 | 51 | 51 | | | | 50 |
| Physically Handicapped | 5 | 36 | 36 | | | | 36 |
| Brain Injured | | | | | | | |
| Learning Disabled | 15 | 625 | 45 | -- | 180 | 400 | 103 |
| Hearing Impaired | 17 | 192 | 57 | | | 135 | 90 |
| Visually Impaired | 4 | 52 | | | | 52 | 10 |
| Speech and Language Impaired | 55 | 5,991 | | | | 5,991 | 138 |
| Gifted | 12 | 417 | 42 | | 262 | 113 | 106 |
| Talented | | | | | | | |
| Multihandicapped | | | | | | | |
| Mixed Categories | | | | | | | |
| Detention (IU Only) | | | | | | | |
| **Sub Total** | 142 | 7,587 | 454 | | 442 | 6,691 | 754 |
| **SECONDARY** | | | | | | | |
| Educable Mentally Retarded | | | | | | | |
| Trainable Mentally Retarded | 8 | 85 | 85 | | | | 85 |
| Severely/Profoundly Mentally Retarded | | | | | | | |
| Socially and Emotionally Disturbed | 6 | 90 | 90 | | | | 90 |
| Physically Handicapped | 1 | 13 | 13 | | | | 13 |
| Brain Injured | | | | | | | |
| Learning Disabled | | | | | | | |
| Hearing Impaired | 8 | 210 | 38 | | | 172 | 51 |
| Visually Impaired | 2 | 25 | | | | 25 | 2 |
| Speech and Language Impaired | 5 | 590 | | | | 590 | 13 |
| Gifted | 4 | 169 | -- | -- | 49 | 120 | 37 |
| Talented | | | | | | | |
| Multihandicapped | | | | | | | |
| Mixed Categories | | | | | | | |
| Detention (IU Only) | 1 | 120 | | -- | -- | 120 | 10 |
| **Sub Total** | 35 | 1,302 | 226 | | 49 | 1,027 | 301 |
| **GRAND TOTAL** | 177 | 8,889 | 680 | | 491 | 7,718 | 1,055 |

FOR DISTRICT AND INTERMEDIATE UNIT USE

*Must equal total number of pupils served.
Percentages equals time spent with special education teacher.

I certify that the information contained herein is true and correct; further, that all special education programs and services and assignment of pupils are in accordance with State Board Regulations and standards of the Department of Education.

SIGNATURE · DISTRICT SPECIAL EDUCATION DIRECTOR (IF ASSIGNED) DATE

SIGNATURE · IU SPECIAL EDUCATION DIRECTOR (ALL REPORTS) DATE

Joseph S. [illegible] 1-30-78

SIGNATURE · DISTRICT SUPERINTENDENT OR IU EXECUTIVE DIRECTOR (AS APPLICABLE) DATE

George E. Raab

COMMONWEALTH OF PENNSYLVANIA · DEPARTMENT OF EDUCATION

## ANNUAL SPECIAL EDUCATION REPORT

DEBE-284 (11/77)

OPERATING SCHOOL DISTRICT OR IU: Combined School Districts

IU NUMBER: 22

DATE: 1-30-78

*INSTRUCTIONS:* Each school district and intermediate unit conducting special education programs and services shall submit one copy of this form through the IU to the Bureau of Special and Compensatory Education, Division of Special Education, Box 911, Harrisburg, Pa. 17126. The initial report is due in the bureau no later than January 15 and shall represent those special education programs and services for which payment or reimbursement is expected from the State. Revisions will be accepted to May 1.

| CATEGORY OF SPECIAL EDUCATION | NUMBER OF CLASSES OR TEACHERS | TOTAL NUMBER OF PUPILS SERVED | PUPILS BY ORGANIZATIONAL PATTERN* | | | | TOTAL NUMBER OF EQUIVALENT FULL TIME ADM |
|---|---|---|---|---|---|---|---|
| | | | FULL TIME 80% + | PART-TIME 50% + | RESOURCE ROOM 50% – | ITINERANT 20% – | |
| **ELEMENTARY** | | | | | | | |
| Educable Mentally Retarded | 27 | 324 | 322 | 2 | | | 322 |
| Trainable Mentally Retarded | 15 | 133 | 132 | 1 | | | 132 |
| Severely/Profoundly Mentally Retarded | 3 | 23 | 23 | | | | 23 |
| Socially and Emotionally Disturbed | 30 | 293 | 246 | 2 | | 45 | 246 |
| Physically Handicapped | | | | | | | |
| Brain Injured | | | | | | | |
| Learning Disabled | 64 | 857 | 629 | 55 | 82 | 91 | 688 |
| Hearing Impaired | | | | | | | |
| Visually Impaired | | | | | | | |
| Speech and Language Impaired | 4 | 379 | | | | 379 | 9 |
| Gifted | 38 | 1766 | 139 | | 530 | 1097 | 424 |
| Talented | 1 | 78 | | | | 78 | 3 |
| Multihandicapped | | | | | | | |
| Mixed Categories | 14 | 257 | | | 174 | 83 | 68 |
| Detention (IU Only) | | | | | | | |
| Sub Total | 196 | 4110 | 1491 | 60 | 786 | 1773 | 1915 |
| **SECONDARY** | | | | | | | |
| Educable Mentally Retarded | 39 | 552 | 426 | 118 | 8 | | 452 |
| Trainable Mentally Retarded | 3 | 32 | 32 | | | | 31 |
| Severely/Profoundly Mentally Retarded | | | | | | | |
| Socially and Emotionally Disturbed | 17 | 197 | 155 | 15 | | 27 | 156 |
| Physically Handicapped | | | | | | | |
| Brain Injured | | | | | | | |
| Learning Disabled | 27 | 502 | 100 | 114 | 214 | 74 | 219 |
| Hearing Impaired | | | | | | | |
| Visually Impaired | | | | | | | |
| Speech and Language Impaired | 1 | 30 | | | | 30 | 1 |
| Gifted | 21 | 1074 | | 103 | 408 | 563 | 242 |
| Talented | | | | | | | |
| Multihandicapped | | | | | | | |
| Mixed Categories | 14 | 294 | | | 218 | 76 | 103 |
| Detention (IU Only) | | | | | | | |
| Sub Total | 122 | 2681 | 713 | 350 | 848 | 770 | 1204 |
| **GRAND TOTAL** | 318 | 6791 | 2204 | 410 | 1634 | 2543 | 3119 |

FOR DISTRICT AND INTERMEDIATE UNIT USE

*Must equal total number of pupils served.
Percentage equals time spent with special education teacher.

I certify that the information contained herein is true and correct; further, that all special education programs and services and assignment of pupils are in accordance with State Board Regulations and standards of the Department of Education.

SIGNATURE · DISTRICT SPECIAL EDUCATION DIRECTOR (IF ASSIGNED) DATE

SIGNATURE · IU SPECIAL EDUCATION DIRECTOR (ALL REPORTS) DATE

Joseph J. Ty… 1-30-78

SIGNATURE · DISTRICT SUPERINTENDENT OR EXECUTIVE DIRECTOR (AS APPLICABLE) DATE

George E. Raull

REVISED

COMMONWEALTH OF PENNSYLVANIA - DEPARTMENT OF EDUCATION

# ANNUAL SPECIAL EDUCATION REPORT

9896-484 (11/77)

| | |
|---|---|
| OPERATING SCHOOL DISTRICT OR IU | NCIU - Composite |
| IU NUMBER | 23 |
| DATE | 8/16/78 |

*INSTRUCTIONS:* Each school district and intermediate unit conducting special education programs and services shall submit one copy of this form through the IU to the Bureau of Special and Compensatory Education, Division of Special Education, Box 911, Harrisburg, Pa. 17126. The initial report is due in the bureau no later than January 15 and shall represent those special education programs and services for which payment or reimbursement is expected from the State. Revisions will be accepted to May 1.

| CATEGORY OF SPECIAL EDUCATION | NUMBER OF CLASSES OR TEACHERS | TOTAL NUMBER OF PUPILS SERVED | PUPILS BY ORGANIZATIONAL PATTERN* FULL TIME 80% + | PART-TIME 50% + | RESOURCE ROOM 50% – | ITINERANT 20% – | TOTAL NUMBER OF EQUIVALENT FULL TIME ADM |
|---|---|---|---|---|---|---|---|
| ELEMENTARY | | | | | | | |
| Educable Mentally Retarded | 2 | 27 | 27 | | | | 23.40 |
| Trainable Mentally Retarded | 3 | 31 | 31 | | | | 31.00 |
| Severely/Profoundly Mentally Retarded | 7 | 58 | 58 | | | | 58.00 |
| Socially and Emotionally Disturbed | 32 | 423 | 162 | 45 | 91 | 125 | 248.72 |
| Physically Handicapped | 3 | 26 | 26 | | | | 26.00 |
| Brain Injured | 19 | 278 | 112 | 20 | 16 | 130 | 127.13 |
| Learning Disabled | 17 | 384 | 122 | 5 | 58 | 199 | 141.10 |
| Hearing Impaired | 18 | 111 | 20 | | | 91 | 28.96 |
| Visually Impaired | 10 | 57 | 7 | | | 50 | 19.18 |
| Speech and Language Impaired | 53 | 2863 | 7 | | | 2856 | 136.51 |
| Gifted | 9 | 553 | | | | 553 | 55.30 |
| Talented | | | | | | | |
| Multihandicapped | | | | | | | |
| Mixed Categories | | | | | | | |
| Detention (IU Only) | | | | | | | |
| Sub Total | 173 | 4811 | 572 | 70 | 165 | 4004 | 895.30 |
| SECONDARY | | | | | | | |
| Educable Mentally Retarded | 6 | 54 | 54 | | | | 49.50 |
| Trainable Mentally Retarded | 8 | 80 | 80 | | | | 80.00 |
| Severely/Profoundly Mentally Retarded | 16 | 90 | 83 | | | 7 | 90.00 |
| Socially and Emotionally Disturbed | 14 | 170 | 64 | 24 | 36 | 46 | 105.33 |
| Physically Handicapped | 3 | 29 | 29 | | | | 29.00 |
| Brain Injured | 11 | 264 | 51 | 65 | 33 | 115 | 100.82 |
| Learning Disabled | 10 | 201 | 36 | 22 | 54 | 91 | 54.86 |
| Hearing Impaired | | 78 | 11 | | | 67 | 16.72 |
| Visually Impaired | 1 | 85 | 7 | | | 78 | 28.62 |
| Speech and Language Impaired | | 472 | | | | 472 | 21.45 |
| Gifted | 3.5 | 229 | | | | 229 | 20.80 |
| Talented | | | | | | | |
| Multihandicapped | 1 | 5 | 5 | | | | 5.00 |
| Mixed Categories | | | | | | | |
| Detention (IU Only) | 3 | 24 | 24 | | | | 24.00 |
| Sub Total | 76.5 | 1781 | 442 | 111 | 123 | 1105 | 626.10 |
| GRAND TOTAL | 249.5 | 6592 | 1014 | 181 | 288 | 5109 | 1521.40 |

FOR DISTRICT AND INTERMEDIATE UNIT USE

*Must equal total number of pupils served.
Percentage equals time spent with special education teacher.

I certify that the information contained herein is true and correct; further, that all special education programs and services and assignment of pupils are in accordance with State Board Regulations and standards of the Department of Education.

SIGNATURE - DISTRICT SPECIAL EDUCATION DIRECTOR (IF ASSIGNED) DATE

SIGNATURE - IU SPECIAL EDUCATION DIRECTOR (ALL REPORTS) DATE

8/13/78

SIGNATURE - DISTRICT SUPERINTENDENT OR IU EXECUTIVE DIRECTOR (AS APPLICABLE) DATE

BEST AVAILABLE COPY

REVISED

COMMONWEALTH OF PENNSYLVANIA · DEPARTMENT OF EDUCATION

# ANNUAL SPECIAL EDUCATION REPORT

DESE-284 (11/77)

OPERATING SCHOOL DISTRICT OR IU Montgomery County Districts - COMPOSITE

IU NUMBER 23

DATE 11/1/78

*INSTRUCTIONS:* Each school district and intermediate unit conducting special education programs and services shall submit one copy of this form through the IU to the Bureau of Special and Compensatory Education, Division of Special Education, Box 911, Harrisburg, Pa. 17126. The initial report is due in the bureau no later than January 15 and shall represent those special education programs and services for which payment or reimbursement is expected from the State. Revisions will be accepted to May 1.

| CATEGORY OF SPECIAL EDUCATION | NUMBER OF CLASSES OR TEACHERS | TOTAL NUMBER OF PUPILS SERVED | PUPILS BY ORGANIZATIONAL PATTERN* | | | | TOTAL NUMBER OF EQUIVALENT FULL TIME ADM |
|---|---|---|---|---|---|---|---|
| | | | FULL TIME 80% + | PART-TIME 50% + | RESOURCE ROOM 80% − | ITINERANT 20% − | |
| **ELEMENTARY** | | | | | | | |
| Educable Mentally Retarded | 23 | 272 | 260 | 12 | | | 253.22 |
| Trainable Mentally Retarded | 7 | 72 | 72 | | | | 72 |
| Severely/Profoundly Mentally Retarded | | | | | | | |
| Socially and Emotionally Disturbed | 24 | 254 | 173 | 4 | 43 | 34 | 185.99 |
| Physically Handicapped | | | | | | | |
| Brain Injured | 2 | 22 | 20 | 2 | | | 19.60 |
| Learning Disabled | 60 | 705 | 576 | 30 | 99 | | 591.706 |
| Hearing Impaired | | | | | | | |
| Visually Impaired | | | | | | | |
| Speech and Language Impaired | 12.5 | 1,120 | | | | 1,120 | 31.8733 |
| Gifted | 24.9 | 1,092 | 49 | | | 1,043 | 167.9084 |
| Talented | 1 | 100 | | | | 100 | 10.00 |
| Multihandicapped | | | | | | | |
| Mixed Categories | | | | | | | |
| Detention (IU Only) | | | | | | | |
| Sub Total | 154.40 | 3,637 | 1,150 | 48 | 142 | 2,297 | 1,332.2977 |
| **SECONDARY** | | | | | | | |
| Educable Mentally Retarded | 30 | 438 | 307 | 127 | 4 | | 376,4203 |
| Trainable Mentally Retarded | 14 | 135 | 127 | 8 | | | 132.1300 |
| Severely/Profoundly Mentally Retarded | 1 | 8 | 8 | | | | 8.00 |
| Socially and Emotionally Disturbed | 14 | 239 | 49 | 34 | 65 | 91 | 99.9308 |
| Physically Handicapped | | | | | | | |
| Brain Injured | 3 | 35 | | 20 | 15 | | 24.30 |
| Learning Disabled | 21 | 331 | 62 | 96 | 154 | 19 | 181.4646 |
| Hearing Impaired | | | | | | | |
| Visually Impaired | | | | | | | |
| Speech and Language Impaired | 2.5 | 111 | | | | 111 | 2.58 |
| Gifted | 9.13 | 462 | | | | 462 | 52.7670 |
| Talented | | | | | | | |
| Multihandicapped | | | | | | | |
| Mixed Categories | 2 | 16 | | | 16 | | 8.00 |
| Detention (IU Only) | | | | | | | |
| Sub Total | 96.63 | 1,775 | 553 | 285 | 254 | 683 | 885.5927 |
| **GRAND TOTAL** | 251.03 | 5,412 | 1,703 | 333 | 396 | 2980 | 2,217.8904 |

FOR DISTRICT AND INTERMEDIATE UNIT USE

*Must equal total number of pupils served
Percentage equals time spent with special education teacher.

I certify that the information contained herein is true and correct; further, that all special education programs and services and assignment of pupils are in accordance with State Board Regulations and standards of the Department of Education.

SIGNATURE · DISTRICT SPECIAL EDUCATION DIRECTOR (IF ASSIGNED) DATE

SIGNATURE · IU SPECIAL EDUCATION DIRECTOR (ALL REPORTS) DATE 11/13/78

SIGNATURE · DISTRICT SUPERINTENDENT OR IU EXECUTIVE DIRECTOR (AS APPLICABLE) DATE [illegible]

INTERMEDIATE UNIT SUMMARY

COMMONWEALTH OF PENNSYLVANIA · DEPARTMENT OF EDUCATION

# ANNUAL SPECIAL EDUCATION REPORT

DEBE-284 (11/77)

OPERATING SCHOOL DISTRICT OR IU: CHESTER COUNTY INTERMEDIATE UNIT
IU NUMBER: 24
DATE: 3/28/78

*INSTRUCTIONS:* Each school district and intermediate unit conducting special education programs and services shall submit one copy of this form through the IU to the Bureau of Special and Compensatory Education, Division of Special Education, Box 911, Harrisburg, Pa. 17126. The initial report is due in the bureau no later than January 15 and shall represent those special education programs and services for which payment or reimbursement is expected from the State. Revisions will be accepted to May 1.

| CATEGORY OF SPECIAL EDUCATION | NUMBER OF CLASSES OR TEACHERS | TOTAL NUMBER OF PUPILS SERVED | PUPILS BY ORGANIZATIONAL PATTERN* | | | | TOTAL NUMBER OF EQUIVALENT FULL TIME ADM |
|---|---|---|---|---|---|---|---|
| | | | FULL TIME 80% + | PART-TIME 50% + | RESOURCE ROOM 50% – | ITINERANT 20% – | |
| **ELEMENTARY** | | | | | | | |
| Educable Mentally Retarded | 1 | 9 | 9 | | | | 8 |
| Trainable Mentally Retarded | 11 | 128 | 128 | | | | 126 |
| Severely/Profoundly Mentally Retarded | 3 | 21 | 21 | | | | 21 |
| Socially and Emotionally Disturbed | 16 | 158 | 158 | | | | 150 |
| Physically Handicapped | 4 | 42 | 42 | | | | 41 |
| Brain Injured | | | | | | | |
| Learning Disabled | 49 | 623 | 384 | 130 | 109 | | 470 |
| Hearing Impaired | 5.5 | 71 | 21 | | | 50 | 27 |
| Visually Impaired | 1 | 38 | | | | 38 | 6 |
| Speech and Language Impaired | 25 | 2269 | | | | 2269 | 50 |
| Gifted | | | | | | | |
| Talented | | | | | | | |
| Multihandicapped | 1 | 5 | 5 | | | | 5 |
| Mixed Categories | | | | | | | |
| Detention (IU Only) | | | | | | | |
| Sub Total | 116.5 | 3364 | 76 8 | 130 | 109 | 2357 | 904 |
| **SECONDARY** | | | | | | | |
| Educable Mentally Retarded | 2 | 40 | 40 | | | | 38 |
| Trainable Mentally Retarded | 9 | 128 | 128 | | | | 125 |
| Severely/Profoundly Mentally Retarded | 15 | 107 | 107 | | | | 106 |
| Socially and Emotionally Disturbed | 3 | 23 | 23 | | | | 20 |
| Physically Handicapped | 2 | 20 | 20 | | | | 19 |
| Brain Injured | | | | | | | |
| Learning Disabled | 23 | 325 | 219 | | 106 | | 227 |
| Hearing Impaired | 1.5 | 28 | | | | 28 | 6 |
| Visually Impaired | 2 | 42 | | | | 42 | 6 |
| Speech and Language Impaired | 3 | 150 | | | | 150 | 6 |
| Gifted | | | | | | | |
| Talented | | | | | | | |
| Multihandicapped | | | | | | | |
| Mixed Categories | | | | | | | |
| Detention (IU Only) | 1 | 210 | | | | 210 | 8 |
| Sub Total | 61.5 | 1073 | 537 | | 106 | 430 | 561 |
| **GRAND TOTAL** | 178 | 4437 | 1305 | 130 | 215 | 2787 | 1465 |

FOR DISTRICT AND INTERMEDIATE UNIT USE

*Must equal total number of pupils served.
Percentage equals time spent with special education teacher.

I certify that the information contained herein is true and correct; further, that all special education programs and services and assignment of pupils are in accordance with State Board Regulations and standards of the Department of Education.

SIGNATURE · DISTRICT SPECIAL EDUCATION DIRECTOR (IF ASSIGNED) DATE

SIGNATURE · IU SPECIAL EDUCATION DIRECTOR (ALL REPORTS) DATE 3/30/78

SIGNATURE · ~~DISTRICT SUPERINTENDENT~~ OR IU EXECUTIVE DIRECTOR (AS APPLICABLE) DATE 3/31/78

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COMMONWEALTH OF PENNSYLVANIA · DEPARTMENT OF EDUCATION

**ANNUAL SPECIAL EDUCATION REPORT**

DESE-304 (11/77)

DISTRICT SUMMARY

OPERATING SCHOOL DISTRICT OR IU: CHESTER COUNTY INTERMEDIATE UNIT #24

IU NUMBER: #24

DATE: 3/28/78

JUL 3 1 1978
SPECIAL EDUCATION

*INSTRUCTIONS:* Each school district and intermediate unit operating special education programs and services shall submit one copy of this form through the IU to the Bureau of Special and Compensatory Education, Department of Education, Box 911, Harrisburg, Pa. 17126. The initial report is due in the bureau no later than January 15 and shall represent those special education programs and services for which payment or reimbursement is expected from the State. Revisions will be accepted to May 1.

| CATEGORY OF SPECIAL EDUCATION | NUMBER OF CLASSES OR TEACHERS | TOTAL NUMBER OF PUPILS SERVED | PUPILS BY ORGANIZATIONAL PATTERN* | | | | TOTAL NUMBER OF EQUIVALENT FULL TIME ADM |
|---|---|---|---|---|---|---|---|
| | | | FULL TIME 80% + | PART-TIME 50% + | RESOURCE ROOM 50% – | ITINERANT 20% – | |
| **ELEMENTARY** | | | | | | | |
| Educable Mentally Retarded | 23.5 | 290 | 278 | 12 | - | - | 252.31 |
| Trainable Mentally Retarded | | | | | | | |
| Severely/Profoundly Mentally Retarded | | | | | | | |
| Socially and Emotionally Disturbed | 4 | 24 | 24 | - | - | - | 22.1 |
| Physically Handicapped | | | | | | | |
| Brain Injured | | | | | | | |
| Learning Disabled | | | | | | | |
| Hearing Impaired | | | | | | | |
| Visually Impaired | | | | | | | |
| Speech and Language Impaired | | | | | | | |
| Gifted | 46 | 1366 | 127 | - | 71 | 1168 | 308.6 |
| Talented | | | | | | | |
| Multihandicapped | | | | | | | |
| Mixed Categories | | | | | | | |
| Detention (IU Only) | | | | | | | |
| Sub Total | 73.5 | 1680 | 429 | 12 | 71 | 1168 | 583.01 |
| **SECONDARY** | | | | | | | |
| Educable Mentally Retarded | 26.5 | 329 | 310 | 13 | 6 | - | 283.66 |
| Trainable Mentally Retarded | | | | | | | |
| Severely/Profoundly Mentally Retarded | | | | | | | |
| Socially and Emotionally Disturbed | 1 | 10 | 10 | - | - | - | 8.8 |
| Physically Handicapped | | | | | | | |
| Brain Injured | | | | | | | |
| Learning Disabled | 1 | 16 | - | - | 16 | - | 6 |
| Hearing Impaired | | | | | | | |
| Visually Impaired | | | | | | | |
| Speech and Language Impaired | | | | | | | |
| Gifted | 99 | 1568 | - | - | 23 | 1545 | 244.45 |
| Talented | | | | | | | |
| Multihandicapped | | | | | | | |
| Mixed Categories | | | | | | | |
| Detention (IU Only) | | | | | | | |
| Sub Total | 127.5 | 1923 | 320 | 13 | 45 | 1545 | 543.11 |
| **GRAND TOTAL** | 201 | 3603 | 749 | 25 | 116 | 2713 | 1126.12 |

FOR DISTRICT AND INTERMEDIATE UNIT USE

*Must equal total number of pupils served.
Percentage equals time spent with special education teacher.

I certify that the information contained herein is true and correct; further, that all special education programs and services and assignment of pupils are in accordance with State Board Regulations and standards of the Department of Education.

SIGNATURE · DISTRICT SPECIAL EDUCATION DIRECTOR (IF ASSIGNED) DATE

SIGNATURE · IU SPECIAL EDUCATION DIRECTOR (ALL REPORTS) DATE

7 11 78

SIGNATURE · DISTRICT SUPERINTENDENT OR IU EXECUTIVE DIRECTOR (AS APPLICABLE) DATE

Linford A. Wertheiser

COMMONWEALTH OF PENNSYLVANIA · DEPARTMENT OF EDUCATION

## ANNUAL SPECIAL EDUCATION REPORT

DEBE-384 (11/77) 1977-78

OPERATING SCHOOL DISTRICT OR IU: DELAWARE COUNTY INTERMEDIATE UNIT

IU NUMBER: 25

DATE: 1/24/78

RECEIVED
MAR 13 1978
DIVISION OF SPECIAL EDUCATION

*INSTRUCTIONS:* Each school district and intermediate unit operating special education programs and services shall submit one copy of this form through the IU to the Bureau of Special and Compensatory Education, Division of Special Education, Box 911, Harrisburg, Pa. 17126. The initial report is due in the bureau no later than January 15 and shall represent those special education programs and services for which payment or reimbursement is expected from the State. Revisions will be accepted to May 1.

| CATEGORY OF SPECIAL EDUCATION | NUMBER OF CLASSES OR TEACHERS | TOTAL NUMBER STUDENTS SERVED | PUPILS BY ORGANIZATIONAL PATTERN* | | | | TOTAL NUMBER OF EQUIVALENT FULL TIME ADM |
|---|---|---|---|---|---|---|---|
| | | | FULL TIME 80% + | PART-TIME 50% + | RESOURCE ROOM 50% – | ITINERANT 20% – | |
| **ELEMENTARY** | | | | | | | |
| Educable Mentally Retarded | 1 | 8 | 8 | | | | 8 |
| Trainable Mentally Retarded | 9 | 63 | 63 | | | | 63 |
| Severely/Profoundly Mentally Retarded | 4 | 31 | 31 | | | | 31 |
| Socially and Emotionally Disturbed | 13 | 92 | 92 | | | | 92 |
| Physically Handicapped | 5 | 48 | 48 | | | | 48 |
| Brain Injured | 1 | 19 | | 19 | | | 10 |
| Learning Disabled | 27 | 364 | 58 | | 171 | 135 | 117.9 |
| Hearing Impaired | 13 | 107 | 40 | 8 | 26 | 33 | 55.35 |
| Visually Impaired | 3 | 56 | | 6 | | 50 | 6 |
| Speech and Language Impaired | 22 | 1554 | | | | 1554 | 56.51 |
| Gifted | | | | | | | |
| Talented | | | | | | | |
| Multihandicapped | 6 | 63 | 63 | | | | 63 |
| Mixed Categories | | | | | | | |
| Detention (IU Only) | | | | | | | |
| Sub Total | 104 | 2405 | 403 | 33 | 197 | 1772 | 550.76 |
| **SECONDARY** | | | | | | | |
| Educable Mentally Retarded | 2 | 22 | 22 | | | | 22 |
| Trainable Mentally Retarded | 9 | 101 | 101 | | | | 101 |
| Severely/Profoundly Mentally Retarded | 3 | 26 | 26 | | | | 26 |
| Socially and Emotionally Disturbed | 8 | 48 | 48 | | | | 46.5 |
| Physically Handicapped | 2 | 16 | 16 | | | | 16 |
| Brain Injured | | | | | | | |
| Learning Disabled | 5 | 59 | | | 39 | 20 | 22.9 |
| Hearing Impaired | 8 | 65 | 10 | 5 | 21 | 29 | 24.02 |
| Visually Impaired | 2 | 44 | | | | 44 | 7.2 |
| Speech and Language Impaired | 2 | 204 | | | | 204 | 8.96 |
| Gifted | | | | | | | |
| Talented | | | | | | | |
| Multihandicapped | | | | | | | |
| Mixed Categories | | | | | | | |
| Detention (IU Only) | 3 | 40 | 40 | | | | 40 |
| Sub Total | 44 | 625 | 263 | 5 | 60 | 297 | 314.58 |
| **GRAND TOTAL** | 148 | 3030 | 666 | 38 | 257 | 2069 | 865.34 |

FOR DISTRICT AND INTERMEDIATE UNIT USE

*Must equal total number of pupils served.
Percentage equals time spent with special education teacher.

I certify that the information contained herein is true and correct; further, that all special education programs and services and assignment of pupils are in accordance with State Board Regulations and standards of the Department of Education.

SIGNATURE · DISTRICT SPECIAL EDUCATION DIRECTOR (IF ASSIGNED) DATE

SIGNATURE · IU SPECIAL EDUCATION DIRECTOR (ALL REPORTS) DATE

Laura W. Murphy Feb. 21, 1978

SIGNATURE · IU EXECUTIVE DIRECTOR (AS APPLICABLE) DATE

Almon E. Wilson 2/21/78

DISTRICT COMPOSITE

COMMONWEALTH OF PENNSYLVANIA · DEPARTMENT OF EDUCATION

# ANNUAL SPECIAL EDUCATION REPORT

1977-78

DEBE-384 (11/77)

OPERATING SCHOOL DISTRICT OR IU: DELAWARE COUNTY INTERMEDIATE UNIT

IU NUMBER: 25

DATE: 3-8-78

*INSTRUCTIONS:* Each school district and intermediate unit conducting special education programs and services shall submit one copy of this form through the IU to the Bureau of Special and Compensatory Education, Division of Special Education, Box 911, Harrisburg, Pa. 17126. The initial report is due in the bureau no later than January 15 and shall represent those special education programs and services for which payment or reimbursement is expected from the State. Revisions will be accepted to May 1.

DIVISION OF SPECIAL EDUCATION

| CATEGORY OF SPECIAL EDUCATION | NUMBER OF CLASSES OR TEACHERS | TOTAL NUMBER OF PUPILS SERVED | PUPILS SERVED BY ORGANIZATIONAL PATTERN* | | | | TOTAL NUMBER OF EQUIVALENT FULL TIME ADM |
|---|---|---|---|---|---|---|---|
| | | | FULL TIME 80% + | PART-TIME 80% + | RESOURCE ROOM 80% − | ITINERANT 20% − | |
| **ELEMENTARY** | | | | | | | |
| Educable Mentally Retarded | 17 | 210 | 210 | | | | 186.90 |
| Trainable Mentally Retarded | 4 | 41 | 41 | | | | 37.85 |
| Severely/Profoundly Mentally Retarded | - | - | - | | | | - |
| Socially and Emotionally Disturbed | 23 | 216 | 139 | 28 | 49 | | 159.15 |
| Physically Handicapped | | | | | | | |
| Brain Injured | 9 | 196 | 23 | | 102 | 71 | 64.67 |
| Learning Disabled | 92 | 1,368 | 608 | 46 | 714 | | 772.38 |
| Hearing Impaired | | | | | | | |
| Visually Impaired | .6 | 12 | | | | 12 | 1 |
| Speech and Language Impaired | 17 | 1,233 | | | | 1,233 | 38.46 |
| Gifted | 66 | 2,061 | 197 | | 404 | 1,460 | 420.94 |
| Talented | | | | | | | |
| Multihandicapped | 5 | 63 | 63 | | | | 55.80 |
| Mixed Categories | 2 | 24 | 24 | | | | 23 |
| Detention (IU Only) | | | | | | | |
| Sub Total | 235.6 | 5,424 | 1,305 | 74 | 1,269 | 2,776 | 1760.15 |
| **SECONDARY** | | | | | | | |
| Educable Mentally Retarded | 37 | 486 | 457 | 29 | | | 402.75 |
| Trainable Mentally Retarded | 5 | 49 | 49 | | | | 41.65 |
| Severely/Profoundly Mentally Retarded | | | | | | | |
| Socially and Emotionally Disturbed | 15 | 215 | 20 | 101 | 94 | | 103.3 |
| Physically Handicapped | | | | | | | |
| Brain Injured | 5 | 105 | | | 105 | | 37 |
| Learning Disabled | 37 | 753 | 15 | 48 | 690 | | 258.87 |
| Hearing Impaired | | | | | | | |
| Visually Impaired | | | | | | | |
| Speech and Language Impaired | | | | | | | |
| Gifted | 132.9 | 1,853 | | 94 | 724 | 1,035 | 490.86 |
| Talented | | | | | | | |
| Multihandicapped | 2 | 25 | 25 | | | | 20 |
| Mixed Categories | 5 | 61 | 18 | | 43 | | 38.2 |
| Detention (IU Only) | | | | | | | |
| Sub Total | 238.9 | 3,547 | 584 | 272 | 1,656 | 1,035 | 1,392.63 |
| **GRAND TOTAL** | 474.5 | 8,971 | 1,889 | 346 | 2,925 | 3,811 | 3152.78 |

FOR DISTRICT AND INTERMEDIATE UNIT USE

*Must equal total number of pupils served.
Percentage equals time spent with special education teacher.

I certify that the information contained herein is true and correct; further, that all special education programs and services and assignment of pupils are in accordance with State Board Regulations and standards of the Department of Education.

SIGNATURE · DISTRICT SPECIAL EDUCATION DIRECTOR (IF ASSIGNED) — DATE: March 9, 1978

SIGNATURE · IU SPECIAL EDUCATION DIRECTOR (ALL REPORTS) — DATE

Laura W. Murphy — March 9, 1978

SIGNATURE · [redacted] IU EXECUTIVE DIRECTOR (AS APPLICABLE) — DATE

March 9, 1978

BEST AVAILABLE COPY

COMMONWEALTH OF PENNSYLVANIA - DEPARTMENT OF EDUCATION

## ANNUAL SPECIAL EDUCATION REPORT

DEBE-284 (11/77)

OPERATING SCHOOL DISTRICT OR IU: PHILADELPHIA INTERMEDIATE UNIT

IU NUMBER: 26

DATE: January 13, 1978

*INSTRUCTIONS:* Each school district and intermediate unit conducting special education programs and services shall submit one copy of this form through the IU to the Bureau of Special and Compensatory Education, Division of Special Education, Box 911, Harrisburg, Pa. 17126. The initial report is due in the bureau no later than January 15 and shall represent those special education programs and services for which payment or reimbursement is expected from the State. Revisions will be accepted to May 1.

| CATEGORY OF SPECIAL EDUCATION | NUMBER OF CLASSES OR TEACHERS | TOTAL NUMBER OF PUPILS SERVED | PUPILS BY ORGANIZATIONAL PATTERN* | | | | TOTAL NUMBER OF EQUIVALENT FULL TIME ADM |
|---|---|---|---|---|---|---|---|
| | | | FULL TIME 85% + | PART-TIME 60% + | RESOURCE ROOM 60% – | ITINERANT 25% – | |
| **ELEMENTARY** | | | | | | | |
| Educable Mentally Retarded | 203 | 2296 | 2150 | 36 | 103 | 7 | 2190 |
| Trainable Mentally Retarded | 86 | 650 | 650 | | | | 640 |
| Severely/Profoundly Mentally Retarded | 74 | 560 | 560 | | | | 554 |
| Socially and Emotionally Disturbed | 110 | 601 | 460 | 47 | 91 | 3 | 507 |
| Physically Handicapped | 24 | 295 | 295 | | | | 289 |
| Brain Injured | | | | | | | |
| Learning Disabled | 148 | 1497 | 1225 | | 272 | | 1266 |
| Hearing Impaired | 41 | 362 | 110 | | 9 | 218 | 131 |
| Visually Impaired | 47 | 310 | 160 | | | 150 | 187 |
| Speech and Language Impaired | 58 | 3031 | | | | 3031 | 66 |
| Gifted | 61 | 2372 | | | | 2372 | 474 |
| Talented | | | | | | | |
| Multihandicapped | | | | | | | |
| Mixed Categories | | | | | | | |
| Detention (IU Only) | | | | | | | |
| Sub Total | 852 | 11954 | 5610 | 88 | 475 | 5781 | 6304 |
| **SECONDARY** | | | | | | | |
| Educable Mentally Retarded | 272 | 3330 | 2445 | 478 | 375 | 32 | 2843 |
| Trainable Mentally Retarded | 63 | 480 | 480 | | | | 473 |
| Severely/Profoundly Mentally Retarded | 7 | 60 | 60 | | | | 52 |
| Socially and Emotionally Disturbed | 21 | 167 | 55 | 18 | 85 | 9 | 81 |
| Physically Handicapped | 22 | 265 | 265 | | | | 259 |
| Brain Injured | | | | | | | |
| Learning Disabled | 9 | 85 | 4 | | 81 | | 19 |
| Hearing Impaired | 23 | 183 | 95 | | 12 | 76 | 99 |
| Visually Impaired | 8 | 200 | | | 200 | | 40 |
| Speech and Language Impaired | 11 | 596 | | | | 596 | 13 |
| Gifted | 21 | 822 | 822 | | | | 164 |
| Talented | | | | | | | |
| Multihandicapped | | | | | | | |
| Mixed Categories | | | | | | | |
| Detention (IU Only) | | | | | | | |
| Sub Total | 457 | 6188 | 4226 | 496 | 753 | 713 | 4043 |
| **GRAND TOTAL** | 1309 | 18142 | 9836 | 584 | 1228 | 6494 | 10347 |

*Must equal total number of pupils served.
Percentage equals time spent with special education teacher.

FOR DISTRICT AND INTERMEDIATE UNIT USE

I certify that the information contained herein is true and correct; further, that all special education programs and services and assignment of pupils are in accordance with State Board Regulations and standards of the Department of Education.

SIGNATURE - DISTRICT SPECIAL EDUCATION DIRECTOR (IF ASSIGNED) - DATE 1/13/78

SIGNATURE - IU SPECIAL EDUCATION DIRECTOR (ALL REPORTS) DATE 1/13/78

SIGNATURE - DISTRICT SUPERINTENDENT OR IU EXECUTIVE DIRECTOR (AS APPLICABLE) DATE 1/13/78

Michael P. Marcase

COMMONWEALTH OF PENNSYLVANIA - DEPARTMENT OF EDUCATION

## ANNUAL SPECIAL EDUCATION REPORT

BESE-304 (11/77)

OPERATING SCHOOL DISTRICT OR IU: PHILADELPHIA SCHOOL DISTRICT
IU NUMBER: 26
DATE: January 13, 1978

*INSTRUCTIONS:* Each school district and intermediate unit conducting special education programs and services shall submit one copy of this form through the IU to the Bureau of Special and Compensatory Education, Division of Special Education, Box 911, Harrisburg, Pa. 17126. The initial report is due in the bureau no later than January 15 and shall represent those special education programs and services for which payment or reimbursement is expected from the State. Revisions will be accepted to May 1.

| CATEGORY OF SPECIAL EDUCATION | NUMBER OF CLASSES OR TEACHERS | TOTAL NUMBER OF PUPILS SERVED | PUPILS BY ORGANIZATIONAL PATTERN* | | | | TOTAL NUMBER OF EQUIVALENT FULL TIME ADM |
|---|---|---|---|---|---|---|---|
| | | | FULL TIME 80% + | PART-TIME 50% + | RESOURCE ROOM 50% – | ITINERANT 20% – | |
| **ELEMENTARY** | | | | | | | |
| Educable Mentally Retarded | | | | | | | |
| Trainable Mentally Retarded | | | | | | | |
| Severely/Profoundly Mentally Retarded | | | | | | | |
| Socially and Emotionally Disturbed | | | | | | | |
| Physically Handicapped | | | | | | | |
| Brain Injured | | | | | | | |
| Learning Disabled | | | | | | | |
| Hearing Impaired | | | | | | | |
| Visually Impaired | | | | | | | |
| Speech and Language Impaired | | | | | | | |
| Gifted | | | | | | | |
| Talented | | | | | | | |
| Multihandicapped | | | | | | | |
| Mixed Categories | | | | | | | |
| Detention ([illegible]/Remedial Discipline | 3 | 35 | 35 | | | | 25 |
| Sub Total | 3 | 35 | 35 | | | | 25 |
| **SECONDARY** | | | | | | | |
| Educable Mentally Retarded | | | | | | | |
| Trainable Mentally Retarded | | | | | | | |
| Severely/Profoundly Mentally Retarded | | | | | | | |
| Socially and Emotionally Disturbed | | | | | | | |
| Physically Handicapped | | | | | | | |
| Brain Injured | | | | | | | |
| Learning Disabled | | | | | | | |
| Hearing Impaired | | | | | | | |
| Visually Impaired | | | | | | | |
| Speech and Language Impaired | | | | | | | |
| Gifted | | | | | | | |
| Talented | | | | | | | |
| ~~Multihandicapped~~ AID | 20 | 1275 | 1275 | | | | 1016 |
| Mixed Categories | | | | | | | |
| Detention ([illegible]/Remedial Discipline | 115 | 1100 | 1100 | | | | 786 |
| Sub Total | 135 | 2375 | 2375 | | | | 1802 |
| GRAND TOTAL | 138 | 2410 | 2410 | | | | 1827 |

FOR DISTRICT AND INTERMEDIATE UNIT USE

*Must equal total number of pupils served.
Percentage equals time spent with special education teacher.

I certify that the information contained herein is true and correct; further, that all special education programs and services and assignment of pupils are in accordance with State Board Regulations and standards of the Department of Education.

SIGNATURE - DISTRICT SPECIAL EDUCATION DIRECTOR (IF ASSIGNED) — DATE 1/13/78

SIGNATURE - IU SPECIAL EDUCATION DIRECTOR (ALL REPORTS) — DATE 1/13/78

SIGNATURE - DISTRICT SUPERINTENDENT OR IU EXECUTIVE DIRECTOR (AS APPLICABLE) Michael P. Marcase — DATE 1/13/78

COMMONWEALTH OF PENNSYLVANIA · DEPARTMENT OF EDUCATION

## ANNUAL SPECIAL EDUCATION REPORT

DESE-304 (11/77)

OPERATING SCHOOL DISTRICT OR IU: Beaver Valley Intermediate Unit

IU NUMBER: #27

DATE: January 23, 1978

*INSTRUCTIONS:* Each school district and intermediate unit conducting special education programs and services shall submit one copy of this form through the IU to the Bureau of Special and Compensatory Education, Division of Special Education, Box 911, Harrisburg, Pa. 17126. The initial report is due in the bureau no later than January 15 and shall represent those special education programs and services for which payment or reimbursement is expected from the State. Revisions will be accepted to May 1.

| CATEGORY OF SPECIAL EDUCATION | NUMBER OF CLASSES OR TEACHERS | TOTAL NUMBER OF PUPILS SERVED | PUPILS BY ORGANIZATIONAL PATTERN* | | | | TOTAL NUMBER OF EQUIVALENT FULL TIME ADM |
|---|---|---|---|---|---|---|---|
| | | | FULL TIME 80% + | PART-TIME 50% + | RESOURCE ROOM 50% − | ITINERANT 20% − | |
| **ELEMENTARY** | | | | | | | |
| Educable Mentally Retarded | 19 | 237 | 11 | 226 | | | 237. |
| Trainable Mentally Retarded | 5 | 55 | 55 | | | | 55. |
| Severely/Profoundly Mentally Retarded | 7 | 105 | 105 | | | | 105. |
| Socially and Emotionally Disturbed | 3 | 36 | 10 | | 26 | | 36. |
| Physically Handicapped | 2 | 22 | 22 | | | | 22. |
| Brain Injured | | | | | | | -0- |
| Learning Disabled | 11 | 244 | 12 | | 196 | 36 | 70. |
| Hearing Impaired | 4 | 39 | | | 10 | 29 | 18. |
| Visually Impaired | 1 | 17 | | | | 17 | 4. |
| Speech and Language Impaired | 19 | 920 | | | | 920 | 36.80 |
| Gifted | | | | | | | |
| Talented | | | | | | | |
| Multihandicapped | | | | | | | |
| Mixed Categories | | | | | | | |
| Detention (IU Only) | | | | | | | |
| Sub Total | 71 | 1,675 | 215 | 226 | 232 | 1,002 | 583.80 |
| **SECONDARY** | | | | | | | |
| Educable Mentally Retarded | 24 | 336 | 22 | 314 | | | 336. |
| Trainable Mentally Retarded | 6 | 76 | 76 | | | | 76. |
| Severely/Profoundly Mentally Retarded | 0 | 0 | 0 | | | | |
| Socially and Emotionally Disturbed | 2 | 22 | 7 | | 15 | | 13. |
| Physically Handicapped | 2 | 18 | 18 | | | | 18. |
| Brain Injured | | | | | | | |
| Learning Disabled | 5 | 102 | 24 | | 40 | 38 | 40. |
| Hearing Impaired | 1 | 14 | | | | 14 | 4. |
| Visually Impaired | 1 | 8 | | | | 8 | 4. |
| Speech and Language Impaired | 1 | 92 | | | | 92 | 3.68 |
| Gifted | | | | | | | |
| Talented | | | | | | | |
| Multihandicapped | | | | | | | |
| Mixed Categories | | | | | | | |
| Detention (IU Only) | 1 | 450* | | | 450 | | 9. |
| Sub Total | 43 | 1,118 | 147 | 314 | 505 | 152 | 503.68 |
| GRAND TOTAL | 114 | 2,793 | 362 | 540 | 73[illegible] | 1,154 | 1,087.48 |

* Projected Estimate

*Must equal total number of pupils served.
Percentage equals time spent with special education teacher.

FOR DISTRICT AND INTERMEDIATE UNIT USE

I certify that the information contained herein is true and correct; further, that all special education programs and services and assignment of pupils are in accordance with State Board Regulations and standards of the Department of Education.

SIGNATURE · DISTRICT SPECIAL EDUCATION DIRECTOR (IF ASSIGNED) — DATE

SIGNATURE · IU SPECIAL EDUCATION DIRECTOR (ALL REPORTS) — DATE
Angela M. Thomas
Angela M. Thomas, Director of Special Education — 1-24-78

SIGNATURE · DISTRICT SUPERINTENDENT OR IU EXECUTIVE DIRECTOR (AS APPLICABLE) — DATE
Dr. Francis W. Matika, Executive Director - Francis W. Matika — 1-24-78

COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF EDUCATION

# ANNUAL SPECIAL EDUCATION REPORT

DEBE-384 (11/77)

OPERATING SCHOOL DISTRICT OR IU: District Composite

IU NUMBER: 27

DATE: 1/12/78

*INSTRUCTIONS:* Each school district and intermediate unit conducting special education programs and services shall submit one copy of this form through the IU to the Bureau of Special and Compensatory Education, Division of Special Education, Box 911, Harrisburg, Pa. 17126. The initial report is due in the bureau no later than January 15 and shall represent those special education programs and services for which payment or reimbursement is expected from the State. Revisions will be accepted to May 1.

| CATEGORY OF SPECIAL EDUCATION | NUMBER OF CLASSES OR TEACHERS | TOTAL NUMBER OF PUPILS SERVED | PUPILS BY ORGANIZATIONAL PATTERN* | | | | TOTAL NUMBER OF EQUIVALENT FULL TIME ADM |
|---|---|---|---|---|---|---|---|
| | | | FULL TIME 80% + | PART-TIME 50% + | RESOURCE ROOM 50% – | ITINERANT 20% – | |
| **ELEMENTARY** | | | | | | | |
| Educable Mentally Retarded | | | | | | | |
| Trainable Mentally Retarded | | | | | | | |
| Severely/Profoundly Mentally Retarded | | | | | | | |
| Socially and Emotionally Disturbed | | | | | | | |
| Physically Handicapped | | | | | | | |
| Brain Injured | | | | | | | |
| Learning Disabled | | | | | | | |
| Hearing Impaired | | | | | | | |
| Visually Impaired | | | | | | | |
| Speech and Language Impaired | | | | | | | |
| Gifted | | | | | | | |
| Talented | | | | | | | |
| Multihandicapped | | | | | | | |
| Mixed Categories | | | | | | | |
| Detention (IU Only) | | | | | | | |
| Sub Total | | | | | | | |
| **SECONDARY** | | | | | | | |
| Educable Mentally Retarded | | | | | | | |
| Trainable Mentally Retarded | | | | | | | |
| Severely/Profoundly Mentally Retarded | | | | | | | |
| Socially and Emotionally Disturbed | | | | | | | |
| Physically Handicapped | | | | | | | |
| Brain Injured | | | | | | | |
| Learning Disabled | | | | | | | |
| Hearing Impaired | | | | | | | |
| Visually Impaired | | | | | | | |
| Speech and Language Impaired | | | | | | | |
| Gifted | 2 | 14 | | | | 14 | 2.00 |
| Talented | | | | | | | |
| Multihandicapped | | | | | | | |
| Mixed Categories | | | | | | | |
| Detention (IU Only) | | | | | | | |
| Sub Total | 2 | 14 | | | | 14 | 2 |
| **GRAND TOTAL** | 2 | 14 | | | | 14 | 2 |

FOR DISTRICT AND INTERMEDIATE UNIT USE

*Must equal total number of pupils served.
Percentage equals time spent with special education teacher.

I certify that the information contained herein is true and correct; further, that all special education programs and services and assignment of pupils are in accordance with State Board Regulations and standards of the Department of Education.

SIGNATURE – DISTRICT SPECIAL EDUCATION DIRECTOR (IF ASSIGNED) DATE

SIGNATURE – IU SPECIAL EDUCATION DIRECTOR (ALL REPORTS) DATE

SIGNATURE – DISTRICT SUPERINTENDENT OR IU EXECUTIVE DIRECTOR (AS APPLICABLE) DATE

COMMONWEALTH OF PENNSYLVANIA · DEPARTMENT OF EDUCATION

## ANNUAL SPECIAL EDUCATION REPORT

DEBE-304 (11/77)

OPERATING SCHOOL DISTRICT OR IU: ARIN Intermediate Unit

IU NUMBER: 28

DATE: 2-23-78

*INSTRUCTIONS:* Each school district and intermediate unit conducting special education programs and services shall submit one copy of this form through the IU to the Bureau of Special and Compensatory Education, Division of Special Education, Box 911, Harrisburg, Pa. 17126. The initial report is due in the bureau no later than January 15 and shall represent those special education programs and services for which payment or reimbursement is expected from the State. Revisions will be accepted to May 1.

| CATEGORY OF SPECIAL EDUCATION | NUMBER OF CLASSES OR TEACHERS | TOTAL NUMBER OF PUPILS SERVED | PUPILS BY ORGANIZATIONAL PATTERN* | | | | TOTAL NUMBER OF EQUIVALENT FULL TIME ADM |
|---|---|---|---|---|---|---|---|
| | | | FULL TIME 80% + | PART-TIME 50% + | RESOURCE ROOM 50% – | ITINERANT 20% – | |
| **ELEMENTARY** | | | | | | | |
| Educable Mentally Retarded | | | | | | | |
| Trainable Mentally Retarded | 6 | 49 | 49 | | | | 49 |
| Severely/Profoundly Mentally Retarded | 3 * | 17 | 17 | | | | 17 |
| Socially and Emotionally Disturbed | 2 | 10 | 10 | | | | 10 |
| Physically Handicapped | 1 | 9 | 9 | | | | 9 |
| Brain Injured | | | | | | | |
| Learning Disabled | 6 * | 70 | 11 | | 15 | 44 | 30 |
| Hearing Impaired | 2 | 12 | | | | 12 | 5 |
| Visually Impaired | 3 | 29 | | | | 29 | 7 |
| Speech and Language Impaired | 18 | 1217 | | | | 1217 | 36 |
| Gifted | 9 | 460 | | | | 460 | 36 |
| Talented | | | | | | | |
| Multihandicapped | | | | | | | |
| Mixed Categories | | | | | | | |
| Detention (IU Only) | | | | | | | |
| Sub Total | 50 | 1873 | 96 | 0 | 15 | 1762 | 199 |
| **SECONDARY** | | | | | | | |
| Educable Mentally Retarded | 2 | 61 | | 61 | | | 31 |
| Trainable Mentally Retarded | 8 | 94 | 94 | | | | 94 |
| Severely/Profoundly Mentally Retarded | 1 | 7 | 7 | | | | 7 |
| Socially and Emotionally Disturbed | | | | | | | |
| Physically Handicapped | 1 | 11 | 11 | | | | 11 |
| Brain Injured | | | | | | | |
| Learning Disabled | * * | 11 | | | | 11 | 3 |
| Hearing Impaired | * * | 8 | | | | 8 | 3 |
| Visually Impaired | * * | 18 | | | | 18 | 5 |
| Speech and Language Impaired | * * | 178 | | | | 178 | 5 |
| Gifted | | | | | | | |
| Talented | | | | | | | |
| Multihandicapped | | | | | | | |
| Mixed Categories | | | | | | | |
| Detention (IU Only) | | | | | | | |
| Sub Total | 12 | 388 | 112 | 61 | 0 | 215 | 159 |
| **GRAND TOTAL** | 62 | 2261 | 208 | 61 | 15 | 1977 | 358 |

FOR DISTRICT AND INTERMEDIATE UNIT USE

*Must equal total number of pupils served.
Percentage equals time spent with special education teacher.

I certify that the information contained herein is true and correct; further, that all special education programs and services and assignment of pupils are in accordance with State Board Regulations and standards of the Department of Education.

SIGNATURE · DISTRICT SPECIAL EDUCATION DIRECTOR (IF ASSIGNED) DATE

SIGNATURE · IU SPECIAL EDUCATION DIRECTOR (ALL REPORTS) DATE 2/23/78

SIGNATURE · DISTRICT SUPERINTENDENT OR IU EXECUTIVE DIRECTOR (AS APPLICABLE) DATE 2/23/78

*One teacher is part-time instruction-in-the-home and part-time LD
** Teachers serve both elementary and secondary pupils

COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF EDUCATION

## ANNUAL SPECIAL EDUCATION REPORT

DEBE-304 (11/77)

OPERATING SCHOOL DISTRICT OR IU: COMBINED - ALL DISTRICTS ONLY
IU NUMBER: 28
DATE: 2-15-78

*INSTRUCTIONS:* Each school district and intermediate unit conducting special education programs and services shall submit one copy of this form through the IU to the Bureau of Special and Compensatory Education, Division of Special Education, Box 911, Harrisburg, Pa. 17126. The initial report is due in the bureau no later than January 15 and shall represent those special education programs and services for which payment or reimbursement is expected from the State. Revisions will be accepted to May 1.

| CATEGORY OF SPECIAL EDUCATION | NUMBER OF CLASSES OR TEACHERS | TOTAL NUMBER OF PUPILS SERVED | PUPILS BY ORGANIZATIONAL PATTERN* | | | | TOTAL NUMBER OF EQUIVALENT FULL TIME ADM |
|---|---|---|---|---|---|---|---|
| | | | FULL TIME 80% + | PART-TIME 50% + | RESOURCE ROOM 50% – | ITINERANT 20% – | |
| **ELEMENTARY** | | | | | | | |
| Educable Mentally Retarded | 18 | 203 | 187 | 16 | | | 190 |
| Trainable Mentally Retarded | | | | | | | |
| Severely/Profoundly Mentally Retarded | | | | | | | |
| Socially and Emotionally Disturbed | | | | | | | |
| Physically Handicapped | | | | | | | |
| Brain Injured | | | | | | | |
| Learning Disabled | 1 | 16 | | | | 16 | 4 |
| Hearing Impaired | | | | | | | |
| Visually Impaired | | | | | | | |
| Speech and Language Impaired | 1 | 82 | | | | 82 | 2 |
| Gifted | | | | | | | |
| Talented | | | | | | | |
| Multihandicapped | | | | | | | |
| Mixed Categories | 15 | 276 | 144 | | 132 | | 178 |
| Detention (IU Only) | | | | | | | |
| Sub Total | 35 | 577 | 331 | 16 | 132 | 98 | 374 |
| **SECONDARY** | | | | | | | |
| Educable Mentally Retarded | 20 | 339 | 46 | 293 | | | 252 |
| Trainable Mentally Retarded | | | | | | | |
| Severely/Profoundly Mentally Retarded | | | | | | | |
| Socially and Emotionally Disturbed | | | | | | | |
| Physically Handicapped | | | | | | | |
| Brain Injured | | | | | | | |
| Learning Disabled | * | 11 | | | 11 | | 5 |
| Hearing Impaired | | | | | | | |
| Visually Impaired | | | | | | | |
| Speech and Language Impaired | | | | | | | |
| Gifted | 2 | 41 | | | 21 | 20 | 10 |
| Talented | | | | | | | |
| Multihandicapped | | | | | | | |
| Mixed Categories | 14 | 245 | 107 | 71 | 67 | | 167 |
| Detention (IU Only) | | | | | | | |
| Sub Total | 36 | 636 | 153 | 364 | 99 | 20 | 434 |
| **GRAND TOTAL** | 71 | 1213 | 484 | 380 | 231 | 118 | 808 |

FOR DISTRICT AND INTERMEDIATE UNIT USE

*Must equal total number of pupils served.
Percentage equals time spent with special education teacher.

I certify that the information contained herein is true and correct; further, that all special education programs and services and assignment of pupils are in accordance with State Board Regulations and standards of the Department of Education.

SIGNATURE - DISTRICT SPECIAL EDUCATION DIRECTOR (IF ASSIGNED) DATE

SIGNATURE - IU SPECIAL EDUCATION DIRECTOR (ALL REPORTS) DATE 2/23/78

SIGNATURE - DISTRICT SUPERINTENDENT OR IU EXECUTIVE DIRECTOR (AS APPLICABLE) DATE 2/23/78

* 2 EMR teachers serve part-time in LD program

COMMONWEALTH OF PENNSYLVANIA · DEPARTMENT OF EDUCATION

## ANNUAL SPECIAL EDUCATION REPORT

DEBE-384 (11/77)

| | |
|---|---|
| OPERATING SCHOOL DISTRICT OR IU | Schuylkill I.U. Exceptional Children's Prog. |
| IU NUMBER | 29 |
| DATE | 1-19-78 |

*INSTRUCTIONS:* Each school district and intermediate unit conducting special education programs and services shall submit one copy of this form through the IU to the Bureau of Special and Compensatory Education, Division of Special Education, Box 911, Harrisburg, Pa. 17126. The initial report is due in the bureau no later than January 13 and shall represent those special education programs and services for which payment or reimbursement is expected from the State. Revisions will be accepted to May 1.

| CATEGORY OF SPECIAL EDUCATION | NUMBER OF CLASSES OR TEACHERS | TOTAL NUMBER OF PUPILS SERVED | PUPILS BY ORGANIZATIONAL PATTERN* | | | | TOTAL NUMBER OF EQUIVALENT FULL TIME ADM |
|---|---|---|---|---|---|---|---|
| | | | FULL TIME 80% + | PART-TIME 50% + | RESOURCE ROOM 50% − | ITINERANT 20% − | |
| **ELEMENTARY** | | | | | | | |
| Educable Mentally Retarded | 11 | 151 | 151 | | | | 143.24 |
| Trainable Mentally Retarded | 3 | 33 | 33 | | | | 31.43 |
| Severely/Profoundly Mentally Retarded | 2 | 12 | 12 | | | | 12.00 |
| Socially and Emotionally Disturbed | 6 | 53 | 53 | | | | 49.54 |
| Physically Handicapped | 2 | 17 | 16 | 1 | | | 16.75 |
| Brain Injured | 11 | 101 | 100 | 1 | | | 99.29 |
| Learning Disabled | | | | | | | |
| Hearing Impaired | 5 | 23 | 8 | 2 | | 13 | 12.18 |
| Visually Impaired | 2 | 14 | 3 | | | 11 | 4.30 |
| Speech and Language Impaired | 12 | 1039 | | | | 1039 | 30.00 |
| Gifted | 9 | 427 | | | | 427 | 49.02 |
| Talented | | | | | | | |
| Multihandicapped | | | | | | | |
| Mixed Categories | 1 | 18 | | | 18 | | 11.75 |
| Detention (IU Only) | | | | | | | |
| Sub Total | 64 | 1808 | 376 | 4 | 18 | 1490 | 459.50 |
| **SECONDARY** | | | | | | | |
| Educable Mentally Retarded | 10 | 162 | 126 | 36 | | | 119.58 |
| Trainable Mentally Retarded | 3 | 51 | 51 | | | | 50.69 |
| Severely/Profoundly Mentally Retarded | 1 | 5 | 5 | | | | 5.00 |
| Socially and Emotionally Disturbed | 4 | 34 | 28 | 6 | | | 27.72 |
| Physically Handicapped | 2 | 17 | 17 | | | | 17.00 |
| Brain Injured | 1 | 10 | 10 | | | | 8.25 |
| Learning Disabled | | | | | | | |
| Hearing Impaired | 2 | 14 | 5 | 2 | | 7 | 8.05 |
| Visually Impaired | 2 | 4 | 2 | | | 2 | 2.23 |
| Speech and Language Impaired | 2 | 33 | | | | 33 | 1.12 |
| Gifted | 3 | 229 | | | | 229 | 1.16 |
| Talented | | 6 | 6 (Governor's School for the Arts) | | | | |
| Multihandicapped | | | | | | | |
| Mixed Categories | 1 | 8 | | | 8 | | 6.50 |
| Detention (IU Only) | 1 | 112 | | | | 112 | 3.96 |
| Sub Total | 32 | 685 | 250 | 44 | 8 | 383 | 251.26 |
| **GRAND TOTAL** | 96 | 2573 | 626 | 48 | 26 | 1873 | 710.76 |

FOR DISTRICT AND INTERMEDIATE UNIT USE

*Must equal total number of pupils served.
Percentage equals time spent with special education teacher.

I certify that the information contained herein is true and correct; further, that all special education programs and services and assignment of pupils are in accordance with State Board Regulations and standards of the Department of Education.

SIGNATURE · DISTRICT SPECIAL EDUCATION DIRECTOR (IF ASSIGNED) DATE

SIGNATURE · IU SPECIAL EDUCATION DIRECTOR (ALL REPORTS) DATE
Charles E. Wernert
Charles E. Wernert, Director of Special Education 1-19-78

SIGNATURE · DISTRICT SUPERINTENDENT OR IU EXECUTIVE DIRECTOR (AS APPLICABLE) DATE
William H. Snyder, Executive Director 1-19-78

BEST AVAILABLE COPY

Senator **Stafford**. We appreciate very much your being with us, and I can assure you the subcommittee first and the full committee membership will have a chance to read the testimony you submitted here this morning.

Thank you very much.

The last witness scheduled for this morning is Commissioner Gordon N. Ambach of the State Education Department at Albany, N.Y.

And, Commissioner, I can see that you are playing musical chairs as well as the current presiding officer here. I just listened to you upstairs and was debating how long we could keep this open so you could come down. I know Senator Javits would like to be here, but he did introduce you upstairs.

I know of your distinguished record as an educator, in a State that adjoins my own on the west, and I look forward to the testimony.

Commissioner **Ambach**. Thank you, Senator.

I do have an additional set of remarks. I am pleased to address you this morning. I have submitted a statement and my remarks will be brief, summarizing only the key recommendations made at the end of that statement. In fact, these begin on page 11.

Public Law 94-142 is an extremely important act of the U.S. Congress and has had a significant impact in our State and across the country; and we are very supportive of the continuation of strengthening of that act. It is in that spirit that we are making certain recommendations by way of improving that act.

I would summarize briefly five points of concern to us.

In part, they are concerning administration, but principally they are by way of changes in statutory provisions that should be made.

The first is concerned with child count. We urge there be a flexibility in considering what the count shall be and that there shall be in the legislation a provision for States to improve programs for children being served before there is a determination or finding of every single child that needs to be served.

Truly, the process of finding must continue. We must at the same time be expanding the assistance of those already served.

The second key point I would make has to do with due process, particularly with the responsibility of hearing officers.

We had provisions for an appeal of decisions made at the local school district level even before Public Law 94-142 was in place. Indeed, we had provisions for hearing officers. It is our belief that the provisions of the Federal statute, in fact, have impeded the process in New York State.

We have an appeal process from boards of education to commissioner of education and believe it has worked effectively in the past and is fully in accord with the intent of Public Law 94-142.

It is, therefore, our recommendation that there be a change in this part of the statute so that hearing officers' decisions would not be final at the local level. Board of education decisions would be final and in turn appealed at a higher level to the commissioner of education.

The third point has to do with funding, a concern which has been expressed ever since the act was put in place.

I have provided statistics within my statement to the effect that in New York, 4 percent of our funds for the handicapped have come from Federal sources and 96 percent of the funding comes from State or local. We believe and strongly urge that there be an increase in funding levels in this program. We recognize, of course, that is principally an appropriations process, but clearly they need the recognition for authorization to increase.

The fourth point has to do with the requirement for IEP's. Here again, before the statute was put in place, we had provisions in New York for the development of a program for an individual child. That program could be developed even after placement and offered the advantage of involving the parent with the teacher after the teacher has had an opportunity to work with the child.

We believe that there should be a flexibility so that certainly within a 30-day period, as the child joins the program, an opportunity exists to complete the IEP and rather than an insistence on completion before the placement. We think that is a more expeditious and a more sensible way to get a genuine indication of what the child can do in that classroom with the services provided. This process strengthens the credibility and value of the IEP itself.

The fifth and final point has to do with training for personnel who work with children with handicapping conditions. I would urge your consideration in insisting on a strong State role in the function of training, with respect both to funds, and particularly with respect to funds that may be set aside at the discretion of the U.S. Office of Education. I urge also your consideration of a requirement that the State know that the funds are being made available to institutions or agencies in the State and, indeed, that there be a comprehensive plan for the use of these funds within the State.

This is especially important, I believe, now, as there is a stress on inservice training. Staff stability in our State and in other States is such that there will be a greater and greater need for inservice training. It is very important that it be done in conjunction with State resources that may be available.

In short, then, Senator, those five points are the key recommendations I would make. We are pleased to respond to question you or the members of the staff might have.

Senator STAFFORD. Thank you very much, Commissioner Ambach, for your summarized statement. Your unsummarized statement, as those of other witnesses, will appear in the record as if read.

I think in view of the time constraints, we will send questions to you in writing for response in writing.

Commissioner AMBACH. Surely.

Senator STAFFORD. And I express the appreciation of all of the members of this subcommittee—we are all wearing three hats this morning—at your being here and assisting us. All of them will review the testimony you supplied here.

Thank you very much.

Commissioner AMBACH. Thank you.

[The prepared statement of Commissioner Ambach and responses to Senator Randolph's and Senator Williams' questions follow:]

Statement by

Gordon M. Ambach
President, The University of the State of New York
and Commissioner of Education

Submitted to the

Subcommittee on the Handicapped
Committee on Labor and Human Resources

9:30 A.M.
October 3, 1979

Washington, DC

I am Gordon M. Ambach, President of the University of the State of New York and Commissioner of Education. I am pleased to appear before you to address a mutual concern: assuring the educational rights of handicapped children. The Education for All Handicapped Children Act (Public Law 94-142) is an important landmark in assuring the rights of handicapped children throughout the nation. Public Law 94-142 serves a vital need unmet in many states. Its intent is laudable and goals praiseworthy. The Congressional concern which it represents is shared by New York State.

Before discussing specific issues of legislative implementation, I would like to describe the depth of New York State's commitment to the purposes of Public Law 94-142. New York State historically has been a leader in providing services to handicapped children. State legislation similar to that of PL94-142 dates from the 1950's. Committees on the handicapped were established by Commissioner's Regulations in the 1960's. In June of 1976, the New York State Legislature and Governor enacted comprehensive laws assuring the educational rights of handicapped children. All of these laws predated federal regulations implementing Public Law 94-142.

New York State's commitment to the goals of Public Law 94-142 is not just a matter of law. It is a financial matter. Our taxpayers back this commitment to educating the handicapped with funding which is 24 times that of the federal government to New York State. Our state funding of education of the handicapped in New York State alone equals the level of federal funding available for the entire nation.

The goals we share with you long have been operating principles for New York State action. One example is rigorous monitoring of schools both in and out of state offering educational programs to handicapped children. In addition to monitoring and enforcement, New York State is committed to policy research for decision-making in this area. Currently, we are undertaking a major study of classifications, standards, and program services related to the education of handicapped children in New York State. Our study is motivated by the belief that services to children in need of special education should be based on individual need, rather than on categorical classifications. The study addresses basic questions:

1) How can children with handicapping conditions be identified for special services with a minimum of stigma related to the process and consequences of identification?; and

2) How can each child best be provided a free, appropriate education in the least restrictive environment?

Our study will be complete in early November and will lead to recommendations for state action regarding the procedures we use both to identify handicapped children and to design an individual program for each child. Recommendations on financing services also will be made.

Having referred to our commitment to the goals of the federal legislation and our State action, I must now comment on major difficulties in administering Public Law 94-142. That federal statute, which offers such great hope, has serious defects in its effectiveness and has been stiffled through regulation. The administrative focus on methods, rather than on shared goals, has failed to recognize and supplement high quality state efforts meeting the express intent of the law. May I outline a number of changes necessary to make Public Law 94-142 more effective.

Child Count

A central difficulty in administering the statute has been controversy about the "child count". As Public Law 94-142 originally was implemented, "child counts" were provided so that federal officials were assured that all handicapped children received appropriate educational services. The USOE Bureau for the Education of the Handicapped made statistical predictions concerning the numbers of school-aged handicapped children they believed were not receiving appropriate education in each state. In many states, such children never had been tallied. Their handicapping conditions had been inadequately documented. New York State had supported mandatory comprehensive educational services for the handicapped for many years. Even so, New York has been required to spend large sums to verify the counts. Year after year, we have complied. Very few additional children have been located by these efforts. Those identified primarily have been children just attaining school age.

Many states have spent hundreds of thousands of dollars to assure that all children have been identified. Just as in early implementation of the statute, the federal emphasis continues to be on providing services to unserved children. Strictly interpreted, the regulations provide that every handicapped child in the state must be identified before federal funds may be used to provide better services to handicapped children already placed in educational programs. Current federal administrative practice under this system requires that New York State identify 125,000 additional handicapped youngsters before any part of the state's allocation can be used to improve programs for handicapped children already served. Such numbers of unserved do not exist. Emphasis in child count procedures and in the program must be shifted.

The mandated sequence of federal funding priorities relating to child count has a severe effect. That effect is felt particularly in our cities. Urban areas have the highest incidence of children with handicapping conditions. Our cities of New York, Buffalo, Yonkers, and other urban centers need flexibility in using federal dollars to support a variety of federal mandates concerning education of the handicapped--not just the USOE estimated unserved.

Rather than rigid adherence to the current federal sequence of priorities for using funds, flexibility should be allowed for states with extensive commitments to set the state use of the funds over the full range of services as a total program. This would enable a better combination of state, local and federal resources and better programs for children now served.

Part of the difficulty of the "child count" issue lies in the way in which federal administrators use statistical predictions. Projected child counts are based on an incidence rate which assumes that 12 percent of the population is handicapped. The U.S. Office of Education's Bureau for the Education of the Handicapped has not presented satisfactory evidence for choosing this percentage.

We believe that the incidence rate is not accurate. Few actual population counts of the handicapped exist. Those which are available are projected from the decennial census. They are, in fact, projections derived from projections. Federal program administrators have publicly criticized New York State's child count as too low. Using the assumed incidence rate, they contend that 12 percent of our school age population must be handicapped. No consideration is given to New York State's history of identifying handicapped children. Our state's substantial investment in preventive health care and the potential impact on reducing incidence of handicapping conditions, has been disregarded.

The USOE must be required to accept flexibility in the incidence rate and child counts were a state can demonstrate satisfactory procedures for estimates and counts.

Support for State Enforcement of Compliance

The next highly significant issue in the administration of Public Law 94-142 is circumvention of the state's educational authority by federal officials. Federal administrative efforts should support state efforts in bringing about compliance with Public Law 94-142. Unfortunately, often federal action has been poorly planned and has thwarted achievement of the goals of Public Law 94-142.

Implementing federal programs in our State is always complex. We have several of the largest urban centers in the country within our state. We also have sparsely populated rural locations where programs are diffused over large areas. Fourteen Appalachian counties fall within New York State. In both environments, but particularly in the cities, Public Law 94-142 has created tremendous problems. New

York City, which serves more handicapped children than do most states, is a case in point.

Absolute enforcement of each line of regulation for Public law 94-142 is extremely difficult. We have taken a strong stance with the New York City Board of Education to comply with all state and federal laws related to education of the handicapped. As Public Law 94-142 requires, New York State withheld flow-through funds from the New York City school district when the city was out of compliance. The state and the city worked to develop a plan to bring the city into compliance with the many requirements of Public Law 94-142. While this planning was in progress, the USOE Bureau for the Education of the Handicapped awarded a direct discretionary grant under PL 94-142 to the non-compliant city. As our Department attempted to enforce compliance with the law, the federal agency responsible for compliance granted Public Law 94-142 monies to the non-compliant district. The New York State Education Department was not consulted--or even informed--about this direct funding. The grant was discovered during discussions with the city Board of Education.

No state can administer a federal statute effectively when federal officials fail to support the statutory enforcement and do not even inform us of their activities in our state. Such activity must be prohibited.

## Due Process

A third set of issues concerning the administration of Public Law 94-142 centers on due process requirements.

The major difficulty with the federal due process requirements is that they ignore pre-existing state systems designed to serve the same purposes as PL 94-142. Responsibility for providing public education constitutionally rests with the states and with their local jurisdictions. New York State law holds local districts ultimately responsible for education. Due process procedures contained in New York State law reflect that responsibility. Before the effective date of Public Law 94-142, appeals by parents on the placement of a handicapped child in New York State were referred to an impartial hearing officer. That officer submitted a recommendation to the local board of education which made the decision on placement of a handicapped child as the board has authority to place all children. Appeals from local board action could be referred to the State Commissioner of Education. This due process structure protected children's rights; the direct statutory relationship between New York State and local districts; and, the authority of local boards for pupil placement.

The due process mandates of Public Law 94-142, were drawn to design a new structure preserving rights of handicapped children. In most states at that time, no state processes existed to assure these rights. Those designing the system overlooked provisions such as those existent in New York State for due process consistent with the objectives of Public Law 94-142.

Compliance with the federal appeals process for handicapped students has required that in New York State an intermediary level of authority has been injected between local school boards and the State Commissioner. Advisory rulings of the hearing officer are no longer permitted. Federal legislation has mandated that parties who otherwise have no decision making power in actual placement, now have such in this area of educational responsibility. The federal system has disrupted statutory relationships between the state and local districts. In establishing due process procedures, federal law and regulation have failed to recognize state laws which were established earlier to meet the same intent. The federal statute should be changed to allow flexibility in building upon existing state systems to meet federal objectives.

The intent of the federal legislation was to establish an appeals procedure to ensure the educational rights of all handicapped children. In practice, the federal process has become enormously complicated. Unintentionally, it may discriminate against those most in need of assistance. Although articulate and affluent parents may benefit from the federally-prescribed appeals process, disadvantaged and bilingual parents in need of help may lack the resources to use it. Moreover, unlike New York State's former advisory system, the federally-prescribed hearing process is adversarial in nature. The process defines the parties so clearly as opponents, rather than as collaborators, that this adversarial relationship may harm the interests of the child because ill feeling among the parties or in the community may result. The due process requirements of Public Law 94-142 must be re-evalutated for the fiscal and human costs.

A final issue flowing from the due process requirements of Public Law 94-142 is that of "pendency." Pendency results when a child has been placed and, yet, another program is recommended as more appropriate. Until such a recommendation has passed through the required, lengthy, due process procedure, the child must remain in his or her original placement. Much difficulty may fall on the child who is short-changed by a lengthy inappropriate placement. Another part of the difficulty is financial.

For example, a parent might place a child in an inappropriate private program the cost of which extensively exceeds the cost of an appropriate public program. Until due process and litigation are complete, the child could remain in that placement at public expense. Although circumstances exist in which pendency is appropriate, the situation which I have described falls far short of the goals of the law. Many difficulties with pendency deplete funding. States need firm federal support particularly in their efforts to bring children from inappropriate programs far from home to appropriate educational settings in the least restrictive environment close to or in their own communities.

Fiscal Problems

Fiscal problems accompany the administration of Public Law 94-142. As you are aware, Public Law 94-142 is very inadequately funded. The legislation places heavy demands on the states and local jurisdictions. Federal financial assistance to assure compliance is far from sufficient. To make the promise of Public Law 94-142 a reality, additional federal funding is essential.

With additional funding, formula revision is necessary to encourage state initiatives in educating the handicapped and to accommodate interstate differences. Funds appropriated under Public Law 94-142 are allocated on a formula. That formula compares state expenditures per handicapped pupil to the national average. After this comparison has been made, monies are allocated on a child count. The formula penalizes states like New York for two major reasons.

Historically, New York is a high education effort state. Although our tax burden is among the highest in the nation, our state has a special commitment to educating handicapped children. In FY 1979, New York State's state and local sources provided 96 percent of total funding available within the state for education of the handicapped. The New York share amounted to $800 million. During the 1978-79 school year, New York State's estimated average per pupil expenditure for handicapped education from state, local and federal sources was about twice the national average used for allocation under Public Law 94-142. During the 1976-77 school year, even our low wealth areas, through extraordinary effort, exceeded the national average by about $200 per pupil per year. Although Public Law 94-142 is designed to expand educational opportunity for handicapped children, its formula actively discourages the states from making a financial commitment to that goal.

A second factor overlooked by the allocation formula is cost. Goods and services are more costly in the Northeastern states, particularly in New York. Salaries are a major expenditure, because good programs for educating the handicapped are labor intensive. New York spends at a higher level than other states to provide equivalent programs and services to handicapped students. No adjustment for cost is made in the allocation formula. For reasons of high effort and cost, New York State's special commitment to the objectives of Public Law 94-142 is penalized. Federal formula revision recognizing effort and cost is essential for equitable distribution of special education funds. Fiscal commitment on the part of states should be encouraged. In expanding educational opportunities for the handicapped, the federal government cannot afford inertia. Certainly it can not reward inertia.

## Program Instability

A fifth issue is program instability. This issue flows from the difficulty encountered in resolving matters of regulatory interpretation by the USOE Bureau for the Education of the Handicapped. As we have said before, regulations to implement Public Law 94-142 fail to accommodate interstate differences. To bring about a resolution to problems caused by inflexibility of the regulations has cost New York State excessive amounts of time and money.

An example of this situation is the federal interpretation of regulations requiring an individualized educational program (IEP) for each child. New York State long has supported the concept of designing educational experiences to meet each child's individual needs. We implemented this concept a full year before the federal mandate of Public Law 94-142 required it. Let me explain how our program works.

Before Public Law 94-142 required it, New York State developed regulations to implement an IEP component of our state program. To assure cooperative planning processes, two phases were designed. The first involved a multidisciplinary team which would make decisions about a child's performance level, necessary educational and related services, and the extent to which the child could participate in regular education. From this process, a recommendation for educational placement was made. A parent of the handicapped child was a required member of the team, participating in the decision-making process. The second phase of the process involved continued pre-placement evaluation in the recommended setting. A planning conference was held at which the parent, the teacher, a school district administrator, and, if appropriate, the child, developed instructional goals and objectives as well as evaluation plans. This approach offered the advantage of involving the parent with the teacher after the teacher has had an opportunity to work with the child. To assure due process, the planning conference had to be held within 30 days of the evaluation placement. Final placement could not be made until the parent and the local board agreed on the IEP.

We believe that this two-phased process which preceeded PL94-142 clearly met the intent of the law. Federal regulations, however, required that an IEP be completed before a child receives special education and related services. Although the New York State process offered advantages over the federal requirement, and met the objectives of the legislation, federal regulations nullified our procedures.

For three years, New York State spent considerable administrative time and money to plead a case for procedures other than those in the federal regulations. For three years, possible progam revisions hung in the balance. Finally, federal officials at the USOE Bureau for the Education of the Handicapped concluded that New York State's IEP process was satisfactory. The conclusion should have been reached three years ago without a significant investment on the part of the state. Program stability has not been encouraged by this type of administrative practice.

## Recognition of the States' Training Role

A final concern is the need for recognition of the states' unique role in training and personnel development. Regulations implementing Public Law 94-142 require states to coordinate and provide training to all who are involved in educating the handicapped. The regulations require each state to ensure that all personnel development needs are met.

A state education agency such as ours, which has responsibility for postsecondary as well as elementary and secondary education, is both an ideal coordinating and training agent for persons involved in education of the handicapped. To carry out our responsibility, we have an administrative structure which places an emphasis on training. We have designed a state training system which is a national model. We also have developed a number of programs consistent with the intent of this regulation and have offered them for funding at the federal level.

USOE officials have refused to recognize the legitimacy of either the New York State role in coordination or in training. Federal funding allocated to the state for these purposes falls far short of the amount needed. Moreover, federal administrators continue to fund training projects in other agencies or institutions which are inconsistent with our state priorities expressed in the required state plan. The New York State Education Department does not have the opportunity to be involved effectively in the decision-making process concerning direct funding to the other public and private agencies and organizations in the State. We are informed generally after the fact, and sometimes not at all. The legitimacy of the state functions assigned by the law, and expressed in the state plan retained by federal administrators, is disregarded. Adequate funding should be made available to states to carry out these charges. Federal administrations should consider state priorities in making discretionary awards and inform states of such funding activities.

## Conclusion

In summary, I wish to make clear the positive impact which Public Law 94-142 has had for handicapped children. This is particularly true in states having a few educational programs and services prior to the federal legislation. Because we share with you the goal of enriching educational opportunities for handicapped children, we must work together in making the promise of Public Law 94-142 a reality. To that end, I offer six summary recommendations for your consideration.

## Recommendations

Since the states have varying experiences in education of the handicapped and varying needs for guidance in meeting the goals of federal legislation, regulation and policy implementing Public Law 94-142 should have the flexibility to accommodate interstate differences.

1. Child-count.

   a. States needing assistance in establishing procedures to identify handicapped children should receive such assistance from federal officials. In states now serving these children and having systems in place to assure future identification of handicapped children, the federal emphasis should be placed on improving programs for children now served. Particularly for those states having large urban centers, flexibility should be allowed in using federal funds to expand programs and services.

   b. Federal administrators should use nationwide incidence rates only to model reality for planning purposes. They must accept the fact that statistical projections cannot represent reality in absolute terms and that an incidence rate of 12 percent cannot be expected in every state. Flexible administrative policies should take into account positive effects on the incidence rate of pre-existing identification programs for the handicapped and of investments in preventive health care.

2. Support for state enforcement of compliance. Because federal administrators are responsible for compliance with Public Law 94-142, a high level of federal support must be given to state efforts to enforce such compliance. Federal administrators must inform state administrators of federal activities in each state.

3. Due process requirements.

   a. Public Law 94-142 should be revised to accommodate pre-existing state appeals procedures which meet the intent of the federal legislation. The direct, statutory relationships among the states and local districts should not be disrupted where equitable systems are provided to protect the educational rights of handicapped children.

b. Due process procedures in law and regulation should be streamlined, simplified and made genuinely accessible to the disadvantaged and bilingual parents whom they were intended to serve. Processes should be made less formal and less adversarial to mitigate against ill feeling and the certainty of conflict. The process should be refined to promote a partnership based on goals shared by the home and the school.

c. Federal administrators must support state efforts to place children in appropriate educational programs, particularly less costly public school programs in the home community.

4. Fiscal problems.

a. Public Law 94-142, laudable in its intent, should be funded at a level commensurate with the efforts required by the states and local districts to achieve compliance.

b. The funding formula for Public Law 94-142 should include a weighting for effort to provide an incentive to states in building handicapped education programs and a cost factor to accommodate regional cost differences.

5. Program Instability. Because education is the responsibility of the states and their local jurisdictions, federal regulations implementing Public Law 94-142 must accommodate state procedures to develop IEPs serving the goals of the statute. Excessive commitments of time and state resources should not be required to obtain administrative rulings. Program stability should be assured by timely administrative decision-making.

6. Recognition of the states' unique role in training. Since the state offers unique advantages in coordinating and training personnel involved in educating the handicapped, federal assistance should be provided to carry out this role. Federal

officials should use discretionary funding to assist states in carrying out their direct training function expressed in the State plan.

THE UNIVERSITY OF THE STATE OF NEW YORK
THE STATE EDUCATION DEPARTMENT
OFFICE OF THE PRESIDENT OF THE UNIVERSITY
AND COMMISSIONER OF EDUCATION
ALBANY, NEW YORK 12234

NOV 19 1979

October 23, 1979

Dear Senator Randolph:

Thank you for the opportunity to appear before the Senate Subcommittee on the Handicapped.

Enclosed are the answers to your written questions. Should there be further information which I can provide for your review, I hope you will contact me.

Sincerely,

Gordon M. Ambach

Honorable Jennings Randolph
U.S. Senate
5121 Dirksen Senate Office Building
Washington, DC 20510

Enclosure

Randolph

GORDON M. AMBACH - QUESTIONS

1. YOU STATE THAT NEW YORK HAS TO IDENTIFY 125,000 ADDITIONAL HANDICAPPED CHILDREN BEFORE 94-142 FUNDS CAN BE USED TO IMPROVE PROGRAMS FOR HANDICAPPED CHILDREN ALREADY SERVED. IS THERE A SECTION IN THE FEDERAL REGULATIONS WHICH SPELLS OUT THIS REQUIREMENT?

   Section 121a321 of federal regulation requires that each state use Part B funds to serve first priority children (children not receiving any education) and second priority children (children receiving an inadequate education). In 1976, New York identified over 230,000 children receiving an education and approximately 125,000 students not receiving an education. Because this was the first year of the Act, these figures were estimates. In 1977-78 and 1978-79, New York did not estimate unserved children because there are no guidelines defining what an unserved child is and how long an unserved child must be unserved before he or she can be counted. However, if the 1976-77 estimates were valid, New York would be required first to serve the 125,000 unserved children before serving children identified as receiving an inadequate education.

2. WHAT PERCENTAGE OF ITS SCHOOL-AGED POPULATION DOES NEW YORK IDENTIFY AS HANDICAPPED?

   New York State identifies 6% of its population as handicapped for the 1978-79 school year.

3. TO YOUR KNOWLEDGE, WHY WAS THERE A THREE-YEAR DELAY IN RESOLVING THE DIFFERENCE BETWEEN THE NEW YORK STATE IEP PROCEDURES AND THE FEDERALLY MANDATED IEP PROCEDURES?

   New York State had in place an IEP development process prior to the issuance of federal regulations for P.L. 94-142. When the federal regulations were issued, the federally mandated IEP process was different from the State's pre-existing IEP process.

   As we noted in the testimony, our process provides many advantages and, we believe, goes beyond federal prescriptions in meeting the intent of the law. Our approach offers the advantage of involving the parent with the teacher after the teacher has had an opportunity to work with the child. Our IEP process is of particular benefit to large cities with lists of handicapped children waiting for services. To follow federal requirements for development of the IEP would mandate the completion of all paperwork before serving a child. In urban centers like New York City, such federal procedures would produce a processing backlog denying services to children in need for a lengthy period, and increasing waiting lists. Therefore, New York State in its State Plans, as well as in various other documents submitted to USOE's Bureau for the Education of the Handicapped, used our existing process.

Although state plans for the 1977-78 and 1978-79 school year were approved formally under regulations by USOE officials, the validity of the New York State IEP process, constantly has been questioned informally. Informal processes took place during visits by officials from the USOE Bureau for The Education of the Handicapped to the Education Department, meetings of our personnel in Washington with staff of the federal Bureau for the Education of the Handicapped, telephone calls and questions.

Despite two years of informal action by the USOE officials, no formal objection to New York State's IEP process was raised until earlier this year. The USOE Bureau for the Education of the Handicapped then informed us that New York's IEP process was out of compliance. The IEP matter appears to have been resolved finally in our favor only after a three-year period of program instability and considerable state expense. The end result of administrative confusion required little change in our procedure. Yet there was substantial delay in providing clarification to personnel within our State.

STATE LEVEL PERSONNEL - DUE PROCESS Randolph

1. HOW MANY DUE PROCESS COMPLAINTS HAVE BEEN FILED IN YOUR STATE SINCE PUBLIC LAW 94-142 WENT INTO EFFECT: HOW MANY WERE RESOLVED BY INFORMAL MEDIATION? HOW MANY DUE PROCESS HEARINGS HAVE BEEN HELD? HOW MANY DECISIONS WERE APPEALED? HOW MANY DECISIONS WERE DECIDED IN FAVOR OF THE PARENTS? THE SCHOOL DISTRICT?

Of 194 impartial hearings in New York State during 1979, 75 resulted in appeals to the State Commissioner of Education.

State Level Personnel-Due Process

1a. HOW MANY DUE PROCESS COMPLAINTS HAVE BEEN FILED IN YOUR STATE SINCE PUBLIC LAW 94-142 WENT INTO EFFECT?

There have been 435 district complaints, resulting in impartial hearing officer decisions, filed in New York State since 1976.

b. HOW MANY WERE RESOLVED BY INFORMAL MEDIATION?

The nature of informal mediation is such that that information is not reported to the State Education Department.

c. HOW MANY DUE PROCESS HEARINGS HAVE BEEN HELD?

There have been 222 reported impartial hearings held since 1976, which did not result in appeals to the Commissioner.

d. HOW MANY DECISIONS WERE APPEALED?

213 impartial hearing officer decisions have been appealed for review by the New York State Commissioner of Education since 1976.

e. HOW MANY DECISIONS WERE DECIDED IN FAVOR OF THE PARENTS?

166 decisions from due process proceedings were in favor of the parents; 67 from impartial hearings and 99 from appeals to the Commissioner.

f. HOW MANY DECISIONS WERE DECIDED IN FAVOR OF THE SCHOOL DISTRICT?

261 decisions were in favor of the school district; 150 from impartial hearings and 111 from appeals to the Commissioner. Eight additional cases were not decided in favor of either party. These cases resulted in either adjournment or stipulations to the Committee on the Handicapped.

2. ARE THERE ANY PATTERNS IN DUE PROCESS COMPLAINTS IN YOUR STATE?

Yes, the following patterns have been noted in New York State since 1976:

a. 46% of all appeals to the State Commissioner of Education came from New York City. 3% were from two other cities in the Big 5 classification;

b. of 213 appeals to the Commissioner, 81% involved placement issues., 16% were classification issues and 3% involved miscellaneous issues;

c. 23% of all appeals to the Commissioner involved placement of students classified as neurologically impaired/emotionally handicapped in New York City;

d. 27% of all appeals to the Commissioner involved placement or classification of students labeled learning disabled;

e. in 32% of 222 impartial hearings held since 1976 parents were represented by counsel. In 76% of 213 written appeals to the Commissioner, parents were represented by counsel.

STATE LEVEL PERSONNEL - SECONDARY SCHOOL

1. A 1979 REPORT BY THE HEW INSPECTOR GENERAL FOUND IN SCHOOL DISTRICTS SURVEYED THAT. . . "SPECIAL EDUCATION PROGRAMS WERE WEAK AT THE JUNIOR HIGH AND HIGH SCHOOL LEVELS." IN YOUR JUDGEMENT, HOW DOES THIS FINDING RELATE TO THE SECONDARY CURRICULUM IN YOUR STATE? WHAT TYPES OF VOCATIONAL EDUCATION PROGRAMS DO YOU HAVE TO ENABLE NON-COLLEGE BOUND HANDICAPPED STUDENTS TO BECOME EMPLOYABLE MEMBERS OF THE LABOR FORCE?

   (a) In the judgement of the New York State Education Department, the HEW finding may apply to some secondary curricula for special education in our school districts.

   (b) New York State makes available instructional and vocational training experiences for handicapped persons. Such services are provided through the State Education Department's Office for Education of Children with Handicapping Conditions, Office of Vocational Rehabilitation, and Office of Occupational and Continuing Education. Vocational programs which enable non-college bound handicapped students to become employable members of the labor force include rehabilitation workshops, sheltered workshops, cooperative work experience and work-study opportunities.

2. PLEASE DESCRIBE HOW YOUR STATE DEPARTMENT OF EDUCATION AND THE VOCATIONAL REHABILITATION AGENCY IN YOUR STATE COOPERATE TO ENSURE THAT SECONDARY LEVEL HANDICAPPED INDIVIDUALS HAVE A SMOOTH TRANSITION TO EMPLOYMENT AND/OR FURTHER SCHOOLING?

   New York State has a somewhat unique organizational structure that gives it a significant advantage in providing coordinated special education and vocational rehabilitation services. Both the Office for Education of Children with Handicapping Conditions and the Office of Vocational Rehabilitation are within the State Education Department. Thus, cooperation between the two Offices is not interagency, but intra-agency cooperation. Last year, the State Education Department sponsored a series of seven regional workshops involving more than 1,500 participants to analyze and make recommendations concerning the effective linking of special education, occupational and continuing education, and vocational rehabilitation. As a result of those workshops, a report has gone to the Board of Regents listing the findings of these conferences and recommendations for State Education Department action. The Department will be holding three days of training for all professional staff in the special education, occupational and continuing education , and vocational rehabilitation offices so that central office and field staff will know both each other and who provides what services in various regions of the State. The Board of Regents has made this interoffice planning a major priority of the Department. Although the system in New York State currently provides for a relatively smooth transition from education to vocational rehabilitation, the actions recommended in the report to the Regents will ensure improvement of the transition of services.

3. WHAT TYPE OF GRADUATION CERTIFICATION IS PROVIDED FOR HANDICAPPED INDIVIDUALS IN YOUR STATE?

Regulations of the Commissioner require common courses (16 units of required course work or their equivalent) and common standards of competence in reading, mathematics, and writing for award of a high school diploma to secondary pupils, including those with handicapping conditions. In recognition of the special testing needs of some handicapped pupils, the regulations provide for nondiscriminatory assessment procedures.

A school district or the principal of a nonpublic school may award a certificate to a secondary pupil who is identified as handicapped by the school district Committee on the Handicapped and who meets the criteria of Section 200. 2(b)(2)* of the Regulations of the Commissioner of Education. To receive a certificate the pupil must complete an appropriate individualized education program (IEP).

Pupils identified as educable mentally retarded and trainable mentally retarded are eligible for a certificate. Pupils with other handicapping conditions who have been found by the school district Committee on the Handicapped to meet the criteria set forth in Section 200. 2(b)(2) of the Regulations, but who have not been classified by the Committee on the Handicapped as educable mentally retarded are eligible for a certificate.

*Section 200. 2(b)(2) Educable mentally retarded - a child who on the basis of a comprehensive evaluation, such evaluation to include an individual psychological examination, is determined to possess general intellectual capacity that falls lower than 1. 5 standard deviations below the mean of the general population, cannot profit from regular classroom instruction, but may be expected to profit from a special education program.

## STATE LEVEL PERSONNEL - IEP

1. IS EACH INDIVIDUALIZED EDUCATION PROGRAM DEVELOPED FOR A HANDICAPPED CHILD UNIQUE, OR IS THERE A "MASTER" IEP FORM WHICH TEACHERS, PRINCIPALS AND OTHER PARTICIPANTS ARE ENCOURAGED TO USE?

   **Each Individualized Education Program is unique. A number of "master" formats have been developed as models to be used throughout the state. However, each Individualized Education Program addresses the mandated requirements as they are unique to each child.**

2. ARE THERE ANY PATTERNS IN DISAGREEMENTS BETWEEN PARENTS AND EDUCATORS IN THE DEVELOPMENT AND IMPLEMENTATION OF IEP'S?

   **For the most part, the development and implementation of the IEP has provided for positive interactions between the parent and educators. However, in those cases where there are disagreements, they appear to be for the following reasons:**

   1. **Disagreements over whether or not a related service needs to be provided by the district and/or the amount of related service that is needed to be provided;**

   2. **Disagreements over the most appropriate placement for the child receiving special education services;**

   3. **Disagreements between the district and parents as to whether the IEP Planning Conference is a conference where a program is developed and refined or whether the conference provides an opportunity for the district to describe program plans to parents.**

3. HAVE YOU ENCOUNTERED ANY DEMAND FOR IEP'S FOR NONHANDICAPPED STUDENTS IN YOUR STATE?

   Although not called an IEP, written instructional plans are required for other students in New York State. Commissioner's regulations regarding remediation require that a student who falls below the statewide reference point on competency tests in reading, writing or mathematics (and his or her parents) receive in writing the competency test results as well as the plan for remedial instruction. Some parents of gifted students have requested the IEP.

## STATE LEVEL PERSONNEL - FUNDING Randolph

1. DOES YOUR STATE BUDGET PLANNING CYCLE TAKE PLACE PRIOR TO FINAL APPROVAL OF YOUR 94-142 STATE PLAN: IF SO, WHAT EFFECT DOES LATE RECEIPT OF A FIRM FEDERAL GRANT COMMITMENT HAVE ON EFFECTIVE PROGRAM PLANNING AND EXPANSION OF PROGRAMS FOR HANDICAPPED CHILDREN?

The State Budget Planning cycle occurs at approximately the same time as the State Plan preparation cycle, that is, in March, April and May of any year for the following federal or state fiscal year. However, because federal funds are a very small percentage of the total amount of money spent on children with handicapping conditions in New York State, late receipt of a firm federal grant commitment is a nuisance rather than a serious impediment to planning for children with handicapping conditions.

2. WHAT EFFECT DO YOU FEEL THE "PROPOSITION 13 MOVEMENT" HAS HAD ON THE SPECIAL EDUCATION SERVICES AND RELATED SERVICES AVAILABLE TO HANDICAPPED CHILDREN?

Those groups which sometimes complain that activities have been deleted from local school budgets because they are too expensive, sometimes complain that too much money is being spent on children with handicapping conditions. However, there is no firm evidence that any school budget in New York State has been defeated solely because of the amount of money provided for programs for children with handicapping conditions.

3. WHAT PROPORTION OF YOUR TOTAL SPECIAL EDUCATION BUDGET IS CURRENTLY USED TO PAY PRIVATE PLACEMENT COSTS? ARE OTHER AGENCIES SHARING THESE COSTS WITH THE EDUCATION AGENCY? IF SO, TO WHAT DEGREE ARE THESE AGENCIES SHARING COSTS?

Estimates for the 1978-79 school year indicate that 44.3 million dollars will be spent to educate children with handicapping conditions in private schools. This represents about 14% of the total money available from the state to local school districts during 1978-79. Private placements account for about 7% of the total state and local spending for 1978-79 school year.

The State Department of Social Services and the Office of Mental Retardation and Developmental Disabilities also place children out-of-state. However, the costs of any children who have been processed and evaluated by Committees on the Handicapped are the responsibility of the State Education Department.

4. WHAT PROPORTION OF YOUR SPECIAL EDUCATION EXCESS COSTS ARE PROVIDED FROM LOCAL, STATE AND FEDERAL SOURCES?

In 1978-79, it is estimated that approximately 54 million dollars in federal funds were available for education of the handicapped. Thirty-three point five million of these funds came from Public Law 94-142, and 12.4 million came from Public Law 89-313. The remainder of federal funds came from various grants and set-aside programs.

It is also estimated that the State contribution to special education was approximately 325 million dollars, and the local distribution was also approximately 325 million dollars.

THE UNIVERSITY OF THE STATE OF NEW YORK
THE STATE EDUCATION DEPARTMENT
OFFICE OF THE PRESIDENT OF THE UNIVERSITY
AND COMMISSIONER OF EDUCATION
ALBANY, NEW YORK 12234

October 23, 1979

Dear Senator Stafford:

Thank you for the opportunity to appear before the Senate Subcommittee on the Handicapped.

Enclosed are the answers to your written questions. Should there be further information which I can provide for your review, I hope you will contact me.

Sincerely,

Gordon M. Ambach

Honorable Robert Stafford
U.S. Senate
5219 Dirksen Senate Office Building
Washington, DC 20510

Enclosure

Commissioner Ambach
State Of New York

Stafford

1. WHY IS NEW YORK 48th OUT OF FIFTY STATES IN THEIR ENROLLMENT OF HANDICAPPED CHILDREN?

Technical Analysis Paper Number Six, released by the Office of the Assistant Secretary for Planning and Evaluation, the Education Planning Staff, U.S. Department of Health, Education and Welfare, states that when population and eligibility are adjusted, New York rates 40th of all the states in its rate of service to handicapped children. We believe that for purposes of interstate comparison, the national service rate is most significant. Adjusted for population and eligibility ages, that national rate is 6.5%. Rather than being abnormally low, New York's adjusted service rate of 5.5% is very close to the national service rate.

New York's child count dropped 30,000 children between 1977-78 and 1978-79. New York's State Plan, which compares child counts for the two years for each of 13 planning and development regions within the State, explains that the drop is the result of the State's high effort in enforcing compliance. We insist that all children identified as handicapped receive all the services required by state and federal law, including processing by New York's school district Committees on the Handicapped. This is expensive and time-consuming for local districts. Another reason for the drop in population is that New York State's definition of specific learning disability still retains the standard of 50% discrepancy between expected and actual achievement. This standard has been dropped from the federal definition, allowing more individuals to be counted in that category by states using only federal standards. New York State's extensive health and remedial education programs also account for the lower child count than other states.

2. WHY HAS THE STATE BEEN UNABLE TO END THE NEW YORK CITY WAITING LIST?

New York State has taken strong action over a number of years to order New York City to reduce the list of children waiting to be processed by New York City's Committees on the Handicapped. In 1973, the State Education Commissioner ordered New York City to immediately place all handicapped students in public or private placement as required by law. In 1977, the Commissioner found that New York City had made some progress in meeting this earlier order. However, because the city had not completely complied, the Commissioner mandated that New York promptly place all students found to need special education and contract with private schools when public placements could not be made. Between November 1978 and January 1979, the State withheld $12 M in federal funds from New York City because the City had failed to reduce its waiting list. At the same time, the federal government was providing New York City with additional funds without notifying the State of its action.

New York State continues to monitor the City closely to ensure that steps are taken to reduce the waiting list. Although changes have been made recently in the leadership of the City's special education organization, progress in reducing the waiting list has been less than satisfactory.

3. WHY HAS NEW YORK CITY HAD TO GO TO COURT IN THIS AREA?

A number of legal actions have been brought against New York City because of alleged problems with its special education system. In the "Lora" case, the plaintiffs alleged that black and hispanic students were a disproportionate percent of the students assigned to special day schools for emotionally disturbed students in New York City, and thus, they were being discriminated against.

While the judge found no overt attempt at discrimination, he did note that the complex due process procedures required by federal and state law were used more easily by white middle class parents. The judge suggested that the City make an increased effort to explain due process procedures to hispanic and minority population. The City is considering appealing this decision.

In the so-called "Jose P" case, the South Brooklyn Legal Defense Service, is suing both the City and the State on behalf of handicapped children in New York City. The service is arguing that the City is not providing timely evaluation and placements for all of its handicapped children.

The Puerto Rican Legal Defense Fund has recently filed a class action suit on behalf of hispanic children alleging denial of a free appropriate public education.

New York State is actively cooperating with the judges in all these cases to determine the facts and to set up procedures to solve the problems.

4. DOES YOUR STATE HAVE ANY 94-142 PROGRAMS FOR THOSE HANDICAPPED INDIVIDUALS (JUVENILES) RESIDING IN A CORRECTIONAL INSTITUTION?

The New York State Division for Youth is responsible for caring for young adults who are Persons in Need of Supervision (PINS) or who have otherwise been referred to the agency by the courts.

Part 116 of Education Commissioner's Regulations gives the Education Commissioner authority to review education programs conducted by the Division for Youth, and specifies that the Division must conform to State regulations governing the education of handicapped children.

To implement the Part 116 Regulations, our Office for Education of Children with Handicapping Conditions (OECHC) training staff have conducted several training sessions for Division for Youth personnel. The sessions have explained federal and state requirements for the education of children

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with handicapping conditions. OECHC's Bureau of State Operated/State Supported Schools has made several on-site reviews of Division Programs and will shortly be issuing an agency-wide monitoring report.

However, OECHC does not directly fund any Division activities for handicapped children.

5. DOES NEW YORK HAVE AN APPROVED STATE PLAN FOR THE 1979-80 SCHOOL YEAR? IF NOT, WHY?

New York State's 1979-80 State Plan has not yet formally been approved by the USOE Bureau for the Education of the Handicapped. A draft plan was written in January 1979. Over 2,000 copies were printed in February and distributed during February and March. Five State Plan Hearings were held at the end of March and beginning of April throughout the State. Quarter-page newspaper ads were taken out to advertise these hearings. The plan was presented to the statewide Commissioner's Advisory Panel, both before and after the hearings. A copy of the draft was forwarded to the USOE Bureau for the Education of the Handicapped for its preliminary review. The plan was discussed by the State Board of Regents in May and formally approved in June. It was then sent to the Governor's Office for review. His review was completed at the end of September. It is anticipated that the formal plan submission will occur during the next several weeks.

6. WHAT PROBLEMS DOES YOUR STATE HAVE IN GETTING ITS STATE PLAN APPROVED IN TIME TO HIRE THE NECESSARY TEACHERS AND GET THE MONEY TO THE SCHOOL DISTRICTS?

In the past, it has been difficult to get precise information about how much money would be available from federal sources for the education of handicapped children in New York State. However, since federal money accounts for a very small percentage of the total amount of funds spent on handicapped children in New York State, delay in receipt of funds has not had a significant practical effect on service to our children with handicapping conditions.

It should be noted that from FY 78 to FY 79, estimated federal funds to New York State under Public Law 94-142 more than doubled. Yet in the same period, the estimated federal share compared to projected state and local spending actually dropped.

## GENERAL QUESTIONS FOR SCHOOL ADMINISTRATORS

1. WHAT PRESCHOOL IDENTIFICATION AND EVALUATION PROCEDURES ARE USED IN YOUR DISTRICTS?

Schools are encouraged to have preschool handicapped children identified and evaluated by local Committees on the Handicapped whenever possible or by a physician, psychologist, parents and appropriate specialists. School districts are encouraged to follow procedures currently established by the Commissioner's Regulations regarding the identification of school-aged handicapped children which require a physical, social and psychological evaluation.

School districts are required by Commissioner's Regulation to conduct an annual census to identify all handicapped children from birth through age 21.

2. BESIDES THE PUBLIC SCHOOLS, WHAT OTHER LOCAL AND STATE AGENCIES ARE INVOLVED IN THE IDENTIFICATION AND EVALUATION OF PRESCHOOL HANDICAPPED CHILDREN?

Currently, no one state agency is responsible for the identification and evaluation of all handicapped children ages birth to five. Consequently, a variety of procedures and agencies are utilized in the identification process. For example, the Department of Health's Bureau of Medical Rehabilitation currently is involved in evaluating children suspected of having physical handicaps. The Office of Mental Health, through county Mental Health clinics, and Office for Mental Retardation and Developmental Disabilities (OMRDD), through Regional Developmental Disabilities Offices, provide identification and evaluation services for preschool handicapped children suspected of having mental, emotional and physical handicapping conditions.

In addition, private agencies and Head Start programs also are involved in identification and evaluation of preschool handicapped children.

3. WHAT TYPES OF PRESCHOOL PROGRAMS DO YOUR SCHOOL DISTRICTS PROVIDE FOR HANDICAPPED CHILDREN?

Currently, school districts are not required to provide special education programs for handicapped children below the age of five. Classroom and home-based programs are provided by public and private agencies through grants to local school districts or through the Family Court. Generally, these programs emphasize speech, language and motor development, socialization skills, daily living skills and parent education.

4. WHAT TYPES OF TESTS AND OTHER PROCEDURES ARE USED IN THE IDENTIFICATION AND EVALUATION OF HANDICAPPED CHILDREN IN THE SCHOOL DISTRICTS? WHO ADMINISTERS THESE TESTS?

   a) Each school district shall provide for each handicapped child a physical examination in accordance with the provisions of the New York State Education Law, an individual psychological examination, social history, and other suitable examinations and evaluations as may be necessary to ascertain the physical, mental and emotional factors which contribute to the handicapping conditions. The reports of all such examinations are provided to the Committee on the Handicapped.

   b) These tests are administered by a school psychologist or licensed psychologist, appropriate specialists and/or classroom teachers.

5. IN WHAT WAYS, IF ANY, DO LIMITATIONS ON AVAILABILITY OF A PARTICULAR SPECIAL EDUCATION RESOURCES INFLUENCE WHICH TYPES OF HANDICAPPING CONDITIONS ARE IDENTIFIED, EVALUATED, AND SERVED?

   There are no limitations on delivery of programs. All handicapped children in need of services receive them.

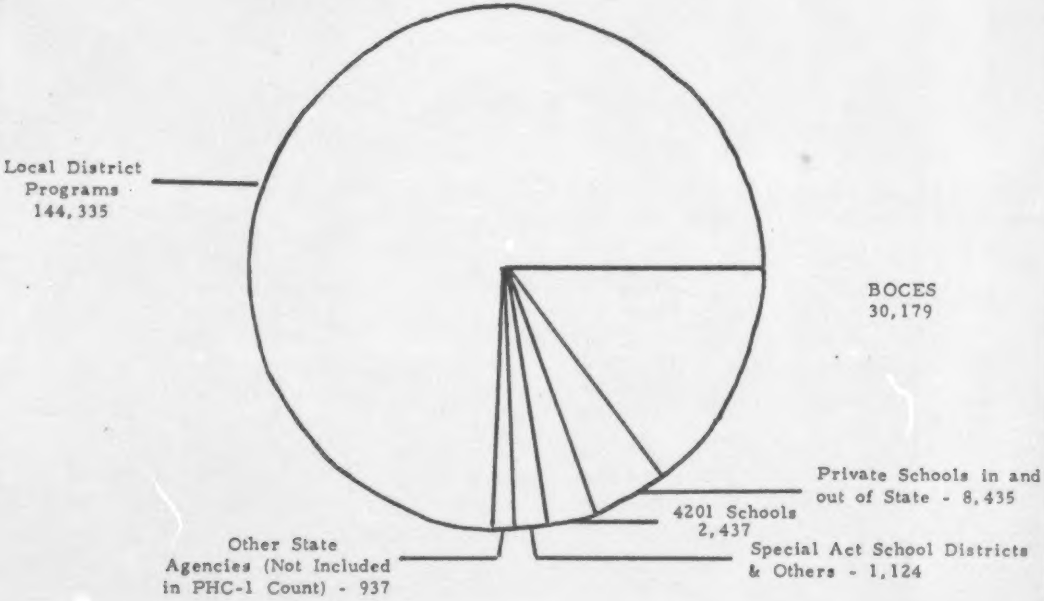
6. TO WHAT DEGREE HAVE YOU USED PRIVATE PLACEMENTS IN ORDER TO PROVIDE THE EDUCATIONAL SERVICES NEEDED BY HANDICAPPED CHILDREN?

   The chart on page 5A shows the number of privately placed children in New York State during the 1978-79 school year.

   a) In general, what are the reasons for private placements in the school districts?

      New York strictly enforces, through on-site visits and state agency administrative review procedures, state requirements that only severely handicapped children be placed in private programs, and only when there are no district or intermediate (BOCES) programs available for the children.

Where Children with Handicapping Conditions are Educated, 1978/1979



b) Is there any pattern by handicapping condition in your private placements?

The majority of schools on New York's list of approved private schools are schools for multiply handicapped, mentally retarded and emotionally disturbed. New York currently is doing a district-by-district and school-by-school analysis of private placements to search for patterns.

c) Have these placements in private programs been the result of local school districts' not having an appropriate program for these children?

Yes.

d) How many of these children were placed in private programs prior to the implementation of Public Law 94-142?

In 1976, New York State had 3830 children in in-state and out-of-state private schools.

7. IN WHAT TYPES OF EDUCATIONAL SETTINGS, BESIDES THE REGULAR CLASSROOM, ARE HANDICAPPED CHILDREN IN THE SCHOOL DISTRICTS RECEIVING EDUCATION AND RELATED SERVICES?

In addition to regular classrooms, handicapped children are receiving education and related services in or under:

1) Special classes, part-time programs, resource rooms, alternate learning centers, and home instruction;

2) Contracts with other districts for special services or programs;

3) Contracts with or special services or programs provided by boards of cooperative educational services;

4) Appointment by the Commissioner to a state or state-supported school in accordance with Articles 85, 87 or 88 of the Education Law;

5) Contracts with private non-residential schools which have been approved by the Commissioner and which are within the state for special services or programs;

6) Contracts with private non-residential schools which have been approved by the Commissioner and which are outside of the State for special services or programs;

7) Contracts with private residential schools which have been approved by the Commissioner and which are within the state for special services or programs;

8) Contracts with private residential schools which have been approved by the Commissioner and which are outside the state for special services or programs;

9) Contracts with the State University at Binghamton for non-residential special services or programs at the children's unit for treatment and evaluation which have been approved by the Commissioner;

10) Provision of educational services in a residential facility for the care and treatment of children with handicapping conditions under the jurisdiction of a state agency other than the State Department of Education.

8. WHO IS PROVIDING THE MAJORITY OF EDUCATIONAL SERVICES FOR HANDICAPPED CHILDREN?

a) SPECIAL EDUCATION TEACHERS?
b) REGULAR CLASSROOM TEACHERS?
c) CLASSROOM AIDES?

The majority of educational services for handicapped children is provided by special education teachers. In 1978-79, there were 14,399 public school classroom teachers employed for services to children with handicapping conditions.

9. WHAT HANDICAPPING CONDITIONS HAVE BEEN THE MOST DIFFICULT TO SUCCESSFULLY "MAINSTREAM" INTO THE REGULAR CLASSROOM?

The most difficult handicapping conditions to mainstream successfully in the regular classroom are the multiply handicapped, autistic and emotionally disturbed.

10. HOW WOULD YOU RESPOND TO THE CONCERN THAT SOME HANDICAPPED CHILDREN ARE BEING "DUMPED" INTO REGULAR CLASSROOMS AND THUS ARE RECEIVING FEWER EDUCATIONAL SERVICES THAN WOULD BE PROVIDED IN SELF-CONTAINED CLASSES OR RESIDENTIAL SETTINGS?

In New York State, the Committee on the Handicapped, the Individualized Education Program, and protection of parents' and children's rights are all part of the evaluation and placement process. These procedures ensure that "dumping" does not occur and that appropriate placements are made. Parents also maintain the right to appeal a placement decision.

11. WHAT FOLLOW-UP PROCEDURES DO THE SCHOOL DISTRICTS USE TO KEEP TRACK OF THE EDUCATIONAL PROGRESS OF A HANDICAPPED CHILD ONCE PLACEMENT HAS OCCURRED?

The Committee on the Handicapped conducts an annual review on each child receiving special education services. Comprehensive re-evaluations are mandated at least once every three years. Each year the Committee must report to the Board of Education on the progress that each child is making in special education programs. The child's Individualized Education Program establishes procedures for periodically checking on the child's progress and completely evaluating such progress at least once each year.

12. A 1979 REPORT BY THE HEW INSPECTOR GENERAL FOUND IN SCHOOL DISTRICTS SURVEYED THAT ... "SPECIAL EDUCATION PROGRAMS WERE WEAK AT THE JUNIOR HIGH AND HIGH SCHOOL LEVELS." /

a) IN YOUR JUDGEMENT, HOW DOES THIS FINDING RELATE TO THE SECONDARY CURRICULUM IN YOUR SCHOOL DISTRICTS?
b) WHAT TYPES OF VOCATIONAL EDUCATION PROGRAMS DO YOU HAVE TO ENABLE NON-COLLEGE BOUND HANDICAPPED STUDENTS TO BECOME EMPLOYABLE MEMBERS OF THE LABOR FORCE?

a) In the judgement of the New York State Education Department, the HEW finding may apply to some secondary curricula for special education in our school districts.

b) New York State makes available instructional and vocational training experiences for handicapped persons. Such services are provided through the State Education Department's Office for Education of Children with Handicapping Conditions, Office of Vocational Rehabilitation, and Office of Occupational and Continuing Education. Vocational programs which enable non-college bound handicapped students to become employable members of the labor force include rehabilitation workshops, sheltered workshops, cooperative work experience and work-study opportunities.

13. IS EACH INDIVIDUALIZED EDUCATION PROGRAM UNIQUE, OR IS THERE A "MASTER" IEP FORM WHICH TEACHERS, PRINCIPALS, AND OTHER PARTICIPANTS ARE ENCOURAGED TO USE?

Each Individualized Education Program is unique. A number of "master" formats have been developed as models to be used throughout the state. However, each Individualized Education Program addresses the mandated requirements as they are unique to each child.

14. WHAT FOLLOW-UP PROCEDURES ARE USED TO ENSURE THAT THE GOALS AND OBJECTIVES OF THE IEP ARE ACTUALLY BEING CARRIED OUT IN THE CLASSROOM?

An individualized education program is prepared at the time the child enters a special education program and is reviewed (if appropriate, revised) periodically, but not less than annually.

15. AFTER A HANDICAPPED STUDENT IS IDENTIFIED, WHAT IS THE AVERAGE AMOUNT OF TIME REQUIRED TO PREPARE THE IEP AND PLACE THE CHILD IN AN APPROPRIATE SETTING?

After a handicapped student is identified the Individualized Education Program is to be written as soon as possible, but no later than within 30 school days of the date that the child first enters a special education program.

16. WHAT SORT OF CERTIFICATION DO HANDICAPPED CHILDREN RECEIVE UPON THE COMPLETION OF THEIR "SECONDARY" STUDIES: A REGULAR DIPLOMA? SPECIAL CERTIFICATE?

Regulations of the Commissioner require common courses (16 units of required course work or their equivalent) and common standards of competence in reading, mathematics, and writing for award of the high school diploma to secondary pupils, including those with handicapping conditions. In recognition of the special testing needs of some handicapped pupils, the regulations provide for nondiscriminatory assessment procedures.

A school district or the principal of a nonpublic school may award a certificate to a secondary pupil who is identified as handicapped by the school district Committee on the Handicapped and who meets the criteria of Section 200.2(b)(2)* of the Regulations of the Commissioner of Education. To receive a certificate, the pupil must complete an appropriate individualized education program (IEP).

*Section 200.2(b)(2) Educable mentally retarded - a child who on the basis of a comprehensive evaluation, such evaluation to include an individual psychological examination, is determined to possess general intellectual capacity that falls lower than 1.5 standard deviations below the mean of the general population, cannot profit from regular classroom instruction, but may be expected to profit from a special education program.

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Pupils identified as educable mentally retarded and trainable mentally retarded are eligible for a certificate. Pupils with other handicapping conditions who have been found by the school district Committee on the Handicapped to meet the criteria set forth in Section 200.2(b)(2) of the Regulations, but who have not been classified by the Committee on the Handicapped as educable mentally retarded are eligible for a certificate.

### 17. HOW IS YOUR STATE ACTUALLY USING THEIR FEDERAL DOLLARS FOR THE EDUCATION OF THE HANDICAPPED?

The following tables represent how Part B, EHA, Public Law 94-142 funds were used during the 1978-79 school year. Table I represents the types of handicapping conditions which were served. It should be noted in reading this table that Part B funds impact upon only about one third of the handicapped children identified and served in New York State. Table II displays amounts of the federal funds expended in flow-through local educational agency entitlement applications for certain categories of services. The third table represents amounts of state discretionary funds expended for certain types of services.

Table I

Students Served in 1978-79 with Part B, EHA, Public Law 94-142 Federal Funds, According to Handicapping Condition*

| | |
|---|---|
| Trainable Mentally Retarded | 7,329 |
| Educable Mentally Retarded | 11,351 |
| Learning Disabled | 10,293 |
| Emotionally Disturbed | 12,940 |
| Physically Handicapped (Orthopedic) | 2,718 |
| Physically Handicapped (other) | 8,992 |
| Blind | 635 |
| Partially Sighted | 209 |
| Deaf | 441 |
| Hard of Hearing | 719 |
| Deaf and Blind | 304 |
| Severely Speech Impaired | 2,865 |
| Other Speech Impaired | 8,142 |
| TOTAL | 66,938 |

*not all LEAs claim Part B funds

## Table II

Amounts of Part B, EHA, Public Law 94-142 Federal Funds Expended in the 1978-79 School Year by Type of Service (Flow-Through Entitlements to Local Educational Agencies)

| | |
|---|---:|
| Early Childhood | $ 3,583,907 |
| Speech/Language | 2,472,686 |
| Recreation/Outdoor Education | 61,803 |
| Direct Academic Services | 4,816,311 |
| Pupil Personnel Services | 1,375,309 |
| Support Systems | 593,442 |
| SEIMC | 549,535 |
| Occupational Therapy/Physical Therapy | 448,381 |
| Combinations | 11,304,425 |
| TOTAL | $25,205,799 |

## Table III

Amounts of Part B, EHA, Public Law 94-142 Federal Funds Expended in the 1978-79 School Year By Type of Service (State Discretionary Funds)

| | |
|---|---:|
| Model and Innovative Programs | $2,207,558 |
| Early Childhood Programs | 5,068,733 |
| Training | 523,904 |
| Direction Centers (Network of centers to assist parents and professionals in matching needs with available services for preschool handicapped children) | 628,024 |
| ASEIMCs (A network of resource centers which assist in meeting training objectives set forth in the State Plan.) | 1,222,338 |
| Textbook/Library Services for Blind Students | 43,626 |
| TOTAL | $9,694,183 |

18. HOW DOES YOUR STATE ACTUALLY FINANCE THE LOCAL SCHOOL DISTRICT SPENDING FOR THE EDUCATION OF THE HANDICAPPED (I.E. VIA REIMBURSEMENT, FORWARD FUNDING, LETTERS OF CREDIT, ETC.)?

New York State's financing for the education of children with handicapping conditions is a reimbursement program. Based upon a request from a school district current year aid is paid in six payments based upon the prior year's expenditures. Three payments totaling 25 percent are paid during the first three months during the school year. Three payments totaling 75 percent are paid during the last three months of the school year.

19. TO WHAT DEGREE ARE YOUR STATE AND LOCAL SCHOOL DISTRICTS SPENDING THEIR PUBLIC LAW 94-142 DOLLARS TO PURCHASE (1) "EDUCATIONAL SERVICES"? (2) "RELATED SERVICES"?

Notice from the tables in the answer to question 17, that the following categories generally represent "educational services" and "related services," and so the totals of these two columns reflect the degree that Public Law 94-142 dollars are spent to purchase "educational" and "related" services.

| Educational Services | | Related Services | |
|---|---|---|---|
| LEA Flow-Through Entitlements | | LEA Flow-Through Entitlements | |
| Early Childhood | $3,583,907 | Recreation/Outdoor Education | $ 61,803 |
| Speech/Language | 2,472,486 | Pupil Personnel Services | 1,375,309 |
| Direct Academic Services | 4,816,311 | Support Systems | 593,442 |
| | | SEIMC | 549,535 |
| Combinations | 11,304,425 | Occupational Therapy/ Physical Therapy | 448,381 |
| TOTAL | $22,177,329 | TOTAL | $3,028,470 |
| State Discretionary | | State Discretionary | |
| Model and Innovative | $2,207,558 | Training | $ 523,904 |
| Early Childhood | 5,068,733 | Direction Centers | 628,024 |
| | | ASEIMCs | 1,222,338 |
| TOTAL | $7,276,291 | Textbook/Library for Blind | 43,626 |
| | | TOTAL | $2,417,892 |
| Educational Services | | Related Services | |
| Total of both LEA and State | $29,453,620 | Total of both LEA and State | $5,446,362 |
| 84.4% of Total Part B, EHA, Public Law 94-142 Funds | | 15.6% of Total Part B, EHA, Public Law 94-142 Funds | |

20. IS YOUR STATE IEP REQUIREMENT DIFFERENT FROM THAT OF 94-142? DO THE REGULATIONS ON THE STATE AND FEDERAL LEVEL DIFFER?

The New York State IEP process is different from that described in the 94-142 regulations in that it allows for more meaningful parent and teacher involvement. While the federal government requires that the IEP be completed prior to any placement decision, New York State's regulations allow a parent and school district personnel to complete the instructional aspects of the IEP during a 30-day continuing evaluation placement period. However, as required by the federal law, a final decision for placement is not made until the IEP is completed. This process ensures that the instructional aspects of the IEP will have been developed and agreed upon based on experience in a real setting.

During Phase I, the Committee on the Handicapped gets input from the child's parent(s) and others to determine the child's level of educational performance, the existence of a handicapping condition, the extent and type of program and related services the child should receive and the extent to which the child should participate in regular education.

During Phase II, the child is tentatively placed in a special education setting to allow this teacher to make a more specific determination of educational performance and plan for the Planning Conference. At the Planning Meeting, the special education teacher, parent and administrator discuss the child's needs and complete the IEP. The child's final placement is based on this mutually agreeable IEP.

21. WHAT ROLE IS THE IEP REQUIREMENT PLAYING IN THE CONTRACT NEGOTIATIONS BETWEEN TEACHERS AND SCHOOL DISTRICTS? FOR EXAMPLE, ARE TEACHERS DEMANDING RELEASE TIME FOR THE PREPARATION OF THE IEP, ETC.?

While there are many questions of clarification regarding the IEP, the issue most frequently discussed in negotiations between districts and teachers is that of the time needed for teachers to prepare for and participate in the IEP Planning Conference.

22. IN GENERAL, HOW DO YOUR STATE LAWS AND REGULATIONS FOR THE EDUCATION OF THE HANDICAPPED DIFFER FROM THE FEDERAL REQUIREMENTS: WHAT ARE THE MAJOR AREAS OF STATE - FEDERAL CONFLICT?

a) New York's IEP process is different (see question 20 above).

b) New York's definition of a specifically learning disabled child includes the sentence "A child who exhibits a discrepancy of 50 percent or more between expected achievement based on his intellectual ability and actual achievement, determined on an individual basis, shall be deemed to have a specific learning disability." Federal regulations have dropped this requirement.

23. HOW MANY DUE PROCESS PROCEEDINGS HAVE YOUR STATE AND LOCAL EDUCATIONAL AGENCIES HANDLED DURING THE LAST YEAR?

Of 194 impartial hearings in New York State during 1979, 75 resulted in appeals to the State Commissioner of Education.

24. WHAT FORM DO THE DUE PROCESS HEARINGS TAKE (I.E., ARE YOUR STATE LAWS AND REGULATIONS DIFFERENT FROM THAT OF THE FEDERAL LAW)?

New York State has formulated due process procedures based on federal requirements that ensure the establishment and implementation of procedural safeguards:

- requiring that written consent be secured from parents to evaluate a child "thought" to be handicapped in accordance with Section 200.5(a), Regulations of the Commissioner of Education. The definition of "evaluation" as set forth in federal regulations has been adopted by New York State;
- ensuring the rights of a parent to address the Committee on the Handicapped relative to identification, evaluation, or placement of a handicapped child;
- ensuring that a parent is entitled to an independent evaluation when disagreement with the Committee on the Handicapped assessment occurs. The resolution as set forth by regulations, reflects the federal standard;
- ensuring the content of a "notice" as required by federal regulation;
- ensuring the federal mandate relative to an impartial due process hearing, hearing rights, administrative appeal through Commissioner review: Part 279 of New York State Regulations, Civil Action timeliness and child's educational status during the pendency of proceedings.

The federal requirements relative to the selection and appointment of an Impartial Hearing Officer are essentially similar in New York State Regulations.

THE UNIVERSITY OF THE STATE OF NEW YORK
THE STATE EDUCATION DEPARTMENT
OFFICE OF THE PRESIDENT OF THE UNIVERSITY
AND COMMISSIONER OF EDUCATION
ALBANY, NEW YORK 12234

December 3, 1979

Dear Senator Williams:

Thank you for your letter of October 25, 1979.

Enclosed are the answers to the questions presented pertaining to Public Law 94-142. Should there be further information which I can provide, I hope you will contact me.

Sincerely,

Gordon M. Ambach

Honorable Harrison A. Williams, Jr.
Chairman, Committee on Labor and
Human Resources
U. S. Senate
4230 Dirksen Senate Office Building
Washington, D. C. 20510

Enclosure

COMMITTEE ON
HUMAN RESOURCES
1979 DEC -6 AM 11:42

## SEA Questions

1. HAVE YOU EXPERIENCED FUNDING DELAYS? HOW MUCH TIME ELAPSED BETWEEN THE SUBMISSION OF YOUR APP (ANNUAL PROGRAM PLAN) AND ITS APPROVAL? WHAT WERE THE REASONS GIVEN FOR THE DELAYS?

There have been some funding delays resulting from untimely approval of the annual program plan. Last year this delay lasted about five months. As a result, the New York State Division of the Budget would not permit use of the total annual amount of funding to be made available to the State until a grant award document was received from USOE's Bureau for Education of the Handicapped. Sometimes APP approval has been delayed by requests for information in addition to that specifically required by federal regulation.

2. BREAK DOWN YOUR P. L. 94-142 DOLLARS IN TERMS OF THE FOLLOWING SERVICES:
   (a) RELATED SERVICES. (PLEASE LIST THE RELATED SERVICES THAT ARE OFFERED AND THE COST PER YEAR OF EACH).
   (b) DIRECT SERVICES.

The following categories generally represent "educational services" and "related services". The totals of these two columns reflect the degree to which Public Law 94-142 monies are spent to purchase "educational" and "related" services (See Table I).

3. DO YOU PROVIDE YEAR-ROUND EDUCATION FOR THOSE HANDICAPPED CHILDREN, FOR WHOM IT HAS BEEN DETERMINED THERE EXISTS THE NEED FOR CONTINUOUS EDUCATIONAL SERVICES? IF THE ANSWER IS YES, DOES IT APPLY STATEWIDE (RURAL, URBAN, AND SUBURBAN) OR ARE THEY ONLY OFFERED BY SOME LEA'S? IF THE ANSWER IS NO, ARE YOU AT PRESENT FORMULATING PLANS FOR THE IMPLEMENTATION OF A TWELVE MONTH PROGRAM?

There is a provision for year-round educational services for handicapped children ages 0-21 through the Family Court Act 236. This provision applies to all areas of the State. The programs are provided by a variety of organizations and agencies, including LEA's, State agencies, and private agencies. The programs are provided after parents petition the Family Court and the Family Court Judge and the State Education Department approves the requested program as appropriate. The State and county of residence of the child each pay 50% of the cost. There is no cost to the parent. Also, the Board of Regents is currently sponsoring legislation which will remove this procedure from Family Court and make it the responsibility of the State educational system.

### Table I

### Amounts of Part B, EHA, Public Law 94-142 Funds Expended in the 1978-79 School Year by Type of Service

**Educational Services**

| LEA Flow-Through Entitlements | |
|---|---|
| Early Childhood | $3,583,907 |
| Speech/Language | 2,472,686 |
| Direct Academic Services | 4,816,311 |
| Combinations | 11,304,425 |
| TOTAL | $22,177,329 |

| State Discretionary | |
|---|---|
| Model and Innovative | $2,207,558 |
| Early Childhood | 5,068,733 |
| TOTAL | $7,276,291 |

**Related Services**

| LEA Flow-Through Entitlements | |
|---|---|
| Recreation/Outdoor Education | $ 61,803 |
| Pupil Personnel Services | 1,375,309 |
| Support Systems | 593,442 |
| SEIMC | 549,535 |
| Occupational Therapy/ Physical Therapy | 448,381 |
| TOTAL | $3,028,470 |

| State Discretionary | |
|---|---|
| Training | $ 523,904 |
| Direction Centers | 628,024 |
| ASEIMCs | 1,222,338 |
| Textbook/Library for Blind | 43,626 |
| TOTAL | $2,417,892 |

**Educational Services**

| | |
|---|---|
| Total of both LEA and State | $29,453,620 |

84.4% of Total Part B, EHA, Public Law 94-142 Funds

**Related Services**

| | |
|---|---|
| Total of both LEA and State | $5,446,362 |

15.6% of Total Part B, EHA, Public Law 94-142 Funds

4. (a) WHAT PERCENTAGE OF YOUR STATE'S TOTAL HANDICAPPED STUDENT POPULATION IS PLACED IN RESIDENTIAL OR PRIVATE SCHOOLS AND RECEIVES FUNDS UNDER P. L. 94-142?

None. Since many residential or private schools in New York State apply for funds under Public Law 89-313, we treat all residential and private schools administratively as if they were applying for those funds. Therefore, residential or private schools are ineligible for funding under Public Law 94-142.

(b) LIST THE TYPES OF HANDICAPPING CONDITIONS SERVED BY SUCH PRIVATE OR RESIDENTIAL FACILITIES.

None. Handicapping conditions served by schools on New York State's list of private schools eligible for reimbursement with other public funds include: multiple physical handicaps; neurological impairments; all levels of mental retardation; emotional disturbance; autism; and severe speech and language impairment.

(c) WHAT IS THE TOTAL COST PER YEAR OF PROVIDING SERVICES TO THE HANDICAPPED CHILDREN IN THE PRIVATE FACILITIES?

Information available for the 1978-79 school year indicates that New York will spend 48 million dollars for education of handicapped children in private schools not receiving P. L. 94-142 monies.

5. (a) WHAT ARE THE OPTIONS AND APPROACHES UTILIZED BY YOUR STATE EDUCATIONAL AGENCY IN IMPLEMENTING THE "LEAST RESTRICTIVE ENVIRONMENT" PROVISION MANDATED BY P. L. 94-142?

The New York State Education Department currently is developing a Special Education Classification and Standards Project. The program recommendations of the project have been accepted unanimously by the New York State Board of Regents. A legislative proposal and new regulations are being drafted with a view toward program implementation in the State's school districts. In addition, the Department monitors the placement of students in settings away from the public schools by ensuring approval for such placements on an individual basis.

The program proposal includes special education placement in program options. These options provide a continuum of alternative placements. They include transitional and related support services, resource rooms, special classes and home and hospital instruction.

Placement in a program option is determined on an individual basis. Program development and requisite support services are designed to meet each child's individual needs. Thus, a child is placed in the least restrictive environment appropriate to his or her needs. This is a flexible system, capable of providing for the changing needs of the child.

(b) TO WHAT EXTENT MIGHT ONE OF THE OPTIONS, "MAINSTREAMING", BE USED IN YOUR STATE?

New York State pursues mainstreaming to the maximum extent feasible, as determined for each child. We view "mainstreaming" as an important educational goal. Children in need of special education are integrated into regular education programs. The continuum-of-services approach takes each child's individual needs into account and encourages the education of handicapped children with non-handicapped children.

6. WHAT CURRENT EMPHASIS IS BEING PLACED ON PROGRAMMING FOR STUDENTS AT THE SECONDARY LEVEL?

The Classification and Standards Project will reach all school-age children, including secondary school students. Standards for class size and age ranges have been developed for the secondary level. In addition, the New York State Education Department has been developing services for the handicapped linking special education, occupational education and vocational rehabilitation. The Department enjoys a unique advantage in coordinating these areas because each falls under the administrative purview of the Department. This project is coordinating efforts to deliver services more effectively and efficiently to the early childhood, adolescent and adult handicapped persons in the State. Current program recommendations include the establishment of intraagency teams at state and regional levels to develop a comprehensive career education, pre-vocational and occupational education curriculum kindergarten through 12.

7. HAS THERE BEEN A COOPERATIVE EFFORT WITH OTHER AGENCIES TO FACILITATE THE HANDICAPPED STUDENT'S TRANSITION INTO THE LABOR MARKET?

The New York State Education Department has identified as a major priority, a joint effort among its Office for Education of Children with Handicapping Conditions, Office of Occupational and Continuing Education, and Office of Vocational Rehabilitation. We have undertaken this cooperative effort to plan and implement these services to provide more effectively for appropriate preparation and employment of handicapped students. This effort has included a series of seven regional workshops throughout the State involving more than 1,500 service providers. Participants identified major problems and issues related to cooperative delivery of services. A report was presented to the Board of Regents on linking these three services. The Regents unanimously endorsed such linkages. As a result, the State Education Department will conduct a series of workshops for Department staff, consumers and other interested parties to develop implementation strategies for local programs. The Department also will increase in-service training to practitioners in these areas. We will issue periodic policy statements to resolve issues related to the IEP and IWRP, the multi-disciplinary placement teams, funding, and other major issues.

8. WOULD YOU FAVOR AN EXTENSION OF THE AGES YOU ARE MANDATED TO SERVE TO INCLUDE THOSE CHILDREN FROM 0 to 21?

New York State mandates educational programs for handicapped children, ages 5-21. The Board of Regents currently is sponsoring legislation which would lower the mandated age to three. It is the position of the Department that children from age 0-2 should be provided for through other agencies. However, the Family Court Act 236 provides for the education of the handicapped from ages 0-4 based on petitions to the Family Court and decision that the child is handicapped and the program is appropriate.

9. HOW MANY DUE PROCESS HEARINGS WERE HELD AT THE STATE LEVEL?

There have been 213 appeals of Impartial Hearing Officer Decisions to the Commissioner of Education since 1975.

WHAT WERE THE MAIN ISSUES?

The main issue involved placement of students designated as learning disabled and/or emotionally handicapped.

HOW MANY WERE RESOLVED IN FAVOR OF THE CHILD'S ADVOCATE?

Ninety-nine appeals to the Commissioner were decided in favor of the child's "advocate," defined as the student's parent or legal guardian.

WERE ANY APPEALED IN A CIVIL ACTION SUIT BROUGHT IN EITHER A STATE OR U.S. DISTRICT COURT?

Six Commissioner's decisions have been appealed as civil action suits.

10. (a) HAVE YOU WORKED OUT ANY INTERAGENCY AGREEMENT BETWEEN VARIOUS AGENCIES AT THE STATE LEVEL FOR A SHARING OF RESPONSIBILITY AS SERVICE PROVIDERS?

The State Education Department has signed an interagency agreement with the New York State Department of Social Services for administrative purposes. The State Education Department is not a direct service provider but rather a monitor of such service providers. Because of this, agreements for shared responsibility for service provision are completed at the local, rather than at the State, level.

(b) WHICH AGENCIES DO YOU SEE AS A PRIORITY FOCUS IN WORKING OUT AN INTERAGENCY AGREEMENT? WHAT ARE THE MAJOR ADMINISTRATIVE AND FINANCIAL PROBLEMS IN WORKING OUT INTERAGENCY AGREEMENTS?

The priority focus in completing interagency agreements at the local level has been cooperation between public schools and health service providers. The major administrative problem is maintaining accountability. In the case of shared services, accountability systems should meet the needs of both parties. Particularly important are sufficient student records and information to verify financial claims without duplicating payment.

(c) IF YOU HAVE HAD SUCCESS IN THIS AREA, TO WHAT PRIMARY FACTORS DO YOU ATTRIBUTE YOUR SUCCESS?

The primary factors for success are an attitude of acceptance and local initiative supported by policy and direction from the State Education Department, as well as other agencies.

11. WHAT CONFLICTS ARE THERE BETWEEN FEDERAL AND STATE LAWS AND REGULATIONS REGARDING THE EDUCATION OF HANDICAPPED CHILDREN? HAS THERE BEEN ANY ATTEMPT BY THE STATE LEGISLATURE TO RESOLVE THOSE CONFLICTS?

Conflicts between P. L. 94-142 and New York State implementation are:

1. The child count is based on incidence rates established by the USOE Bureau for the Education of the Handicapped and projected at 12%. New York State would need to identify another 125,000 children in order to move past the first federal service priority. Such additional numbers do not exist. This has been discussed at the State level, but it requires Federal action for resolution.

2. New York State law holds local districts ultimately responsible for education. Due process procedures contained in New York State law reflect that responsibility. Before the effective date of Public Law 94-142, appeals by parents on the placement of a handicapped child in New York State were referred to an impartial hearing officer. That officer submitted a recommendation to the local board of education which made the decision on placement of a handicapped child as the board has authority to place all children. Appeals from local board action could be referred to the State Commissioner of Education. This due process structure protected children's rights, the direct statutory relationship between New York State and local districts, and the authority of local boards for pupil placement.

Compliance with the federal appeals process for handicapped students has required that in New York State an intermediary level of authority has been injected between local school boards and the State Commissioner. Federal legislation has mandated that parties who otherwise have no decision making power in actual placement, now have such in this area of educational responsibility. The federal statute should allow flexibility in building upon existing state systems to meet federal objectives.

Moreover, unintentionally the federal process may discriminate against those most in need of assistance. Although articulate and affluent parents may benefit from the federally-prescribed appeals process, disadvantaged and bilingual parents in need of help may lack the resources to use it. New York State Regulations are being modified to conform to Federal regulations to allow for representation of poor families by public advocates which was unnecessary under the State's own due process system. Federal not state legislation is necessary to resolve the conflict.

3. The IEP is to be developed for each handicapped pupil by federal law. New York State implementation of this law established two phases to accomplish the program plan. The multidisciplinary team and the parents establish the least restrictive environment for each child.

After the child is placed, the goals, objectives, materials and activities are developed as part of Phase II. The Federal regulations require that Phase II be completed within 30 days of placement. Although there appears to be a discrepancy between the Federal process and New York State process, our procedure clearly meets the intent of the law. Again, Federal not state legislation is necessary to resolve the conflict.

4. New York State's definition of a specifically learning disabled child includes the sentence, "A child who exhibits a discrepancy of 50 percent or more between expected achievement based on his intellectual ability and actual achievement, determined on an individual basis, shall be deemed to bore a specific learning disability." Federal regulations have dropped this requirement.

5. The issue of pendency is a problem for New York State. A handicapped child must remain in the current placement during the pendency of the entire due process procedure. When the placement is totally inappropriate or exceeds the reasonable district/state cost of a free appropriate public education, the child still must remain there until the litigation is resolved. Once again, Federal not state legislation is necessary to resolve the conflict.

12. WHAT PROGRAMS AND PROCEDURES HAVE BEEN DEVISED TO BRING YOUR RESOURCE-DEFICIENT AREAS INTO COMPLIANCE?

We have allocated EHA discretionary monies to assist large urban areas in implementing their plans to provide education for children with handicapping conditions. We also have used EHA discretionary monies to fund a competitive round for projects dispersed over a variety of geographic areas.

13. WHAT PERCENTAGE OF SPECIAL EDUCATION TEACHERS IN THE RURAL LEA'S ARE LICENSED IN SPECIAL EDUCATION BY THE STATE? WHAT ARE YOUR STATE REQUIREMENTS FOR A LICENSE IN SPECIAL EDUCATION?

The New York State Education Department requires that all its special educators be certified. In rural areas, special education services are delivered primarily through the BOCES (Boards of Cooperative Educational Services) and BOCES require teachers to be properly certified. The Department, through its extensive monitoring efforts, has provided assurances of certification in all programs.

State requirements for special education licensing are found in the Commissioner's Regulations at Section 80.6 as follows:

## § 80.6 Certificates valid for teaching special education, the deaf and hearing-impaired, the blind and partially sighted, the speech- and hearing-handicapped.

Preparation. To obtain a certificate as a teacher of special education, the deaf and hearing-impaired, the blind and partially sighted, or the speech- and hearing-handicapped, a candidate shall meet the requirements set forth in this section.

(a) *Provisional certificate*. (1) The candidate shall hold a baccalaureate degree from a regionally accredited institution of higher education or from an institution authorized by the Regents to confer degrees and whose programs are registered by the department, and shall have completed within, or in addition to, that degree: 12 semester hours of study in professional education, a college-supervised practicum in the area of certification for which an application is filed, and 24 semester hours of study appropriate to teaching special education, the deaf and hearing-impaired, the blind and partially sighted, or 36 semester hours of study appropriate to teaching the speech- and hearing-handicapped.

(i) Substitution. One year of paid, full-time experience as a teacher of special education, the deaf and hearing- impaired, the blind and partially sighted, or the speech- and hearing-handicapped, may be accepted in lieu of the college-supervised practicum when such experience carries the recommendation of the employing school district administrator.

(ii) Distribution.

| | |
|---|---|
| *Special education* | |
| Collegiate study in teaching emotionally, mentally, multiply or physically handicapped children | 15 semester hours |
| Collegiate study related to teaching emotionally, mentally, multiply or physically handicapped children | 9 semester hours |
| *Deaf and hearing impaired* | |
| Collegiate study in teaching the deaf and hearing impaired | 15 semester hours |
| Collegiate study related to teaching the deaf and hearing impaired | 9 semester hours |
| *Blind and partially sighted* | |
| Collegiate study in teaching the blind and partially sighted | 15 semester hours |
| Collegiate study related to teaching the blind and partially sighted | 9 semester hours |
| *Speech and hearing handicapped* | |
| Collegiate study in teaching the speech and hearing handicapped | 24 semester hours |
| Collegiate study related to teaching the speech and hearing handicapped | 12 semester hours |

(2) Time validity. The provisional certificate is valid for five days from date of issuance.

(b) *Permanent certificate*. The candidate shall have completed two years of school experience as a teacher of children with handicapping conditions and a master's degree that is functionally related to a field of special education or the deaf and hearing-impaired or the blind and partially sighted or the speech- and hearing-handicapped. The total program of preparation shall include the preparation required for the issuance of the provisional certificate.

(c) *Interstate agreement on qualifications of educational personnel*. A provisional certificate will be issued to an applicant who has completed a program of preparation at an approved institution of higher education or who has attained an initial regular certificate in a state which has contracted with the State of New York pursuant to Education Law section 3030.

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· Amended effective June 1, 1978.

14. WHAT DO YOU PERCEIVE AS THE PRIMARY RESPONSIBILITY OF THE STATE ADVISORY PANEL? WHAT IS THE TOTAL NUMBER OF PANEL MEMBERS AND THE REPRESENTED EXPERTISE REFLECTED IN THE MEMBERSHIP?

Article 89 of the New York State Education Law, and (The Education for All Handicapped Children Act), requires an advisory panel to:

- comment on unmet needs of children with handicapping conditions; and

- comment publicly on proposed rules and regulations of the Education Commissioner.

New York State's Panel, established pursuant to Article 89 of the Education Law, consists of five handicapped persons, five teachers of the handicapped, five parents, five state or local education officials, and five representatives of state associations concerned with the handicapped.

15. (a) TO WHAT EXTENT ARE YOUR CORRECTIONAL INSTITUTIONS COMPLYING WITH THE MANDATES OF P. L. 94-142?

Correctional facilities are mandated under State law and regulation to maintain the educational standards as established by the Department of Education as well as those established under P. L. 94-142 if the students whom they serve are classified as handicapped and in need of special services.

(b) DOES THE STATE DEPARTMENT OF EDUCATION HAVE AN AGREEMENT WITH THE STATE DEPARTMENT OF CORRECTIONS REGARDING THE P. L. 94-142 MANDATE? ARE THERE OPEN LINES OF COMMUNICATION BETWEEN THE TWO? ARE ADULT AS WELL AS JUVENILE CORRECTIONAL INSTITUTIONS AWARE OF SPECIAL EDUCATION PROGRAMS AND P. L. 94-142?

Correctional institutions in New York State fall into three categories; the Department of Corrections; the Division for Youth; and the county jail system. The Department of Corrections deals with adults, defined as those 18 years of age or older. The New York State Education Department has no agreement with the Department of Corrections, but we do some work with them. We work more closely with the New York State Division for Youth which deals with juvenile offenders. We have no agreement with the county jail system.

Although the juvenile correctional institutions are mandated to meet the standards established by the Department of Education, both adult and juvenile correctional institutions do maintain open lines of communication with the Education Department.

16. WHAT ARE THE PRIORITIES YOU FEEL BEH SHOULD SET FOR THE COMING YEARS? PLEASE LIST THOSE THAT YOU FEEL WOULD BE OF THE MOST BENEFIT TO YOUR PARTICULAR STATE.

The following are the priorities that the New York State Education Department feels BEH should address in the coming years:

1. Increased efforts to develop flexible federal program policies accommodating interstate differences in systems meeting the intent of Public Law 94-142;

2. Federal administrative support for state efforts to bring about compliance with the many mandates of Public Law 94-142;

3. Speedy resolution of matters of regulatory interpretation to promote program stability without excessive costs of time and money to states;

4. Increased support for in-service training and recognition of the state education agency responsibilities for setting priorities and assuring the delivery of needed programs;

5. Increased support and resources for the provision of services for young handicapped children, with an emphasis on assistance to improve early identification and intervention techniques as well as support programs for parents;

6. Development of policies and strategies to ensure effective interagency collaboration among federal agencies, federal funding sources, and as a result, effective implementation of programs for the handicapped at the state and local level.

11/30/79

Senator **Stafford**. And the Chair will now bring this meeting to a close.

The next hearing of the Subcommittee on the Handicapped will be a week from today, October 10, in this same room, beginning at 9:30 in the morning.

The subcommittee is adjourned.

[Whereupon, at 11:46 a.m., the subcommittee adjourned, to reconvene on Wednesday, October 10, 1979, at 9:30 a.m.]

# OVERSIGHT ON EDUCATION FOR ALL HANDICAPPED CHILDREN ACT, 1979

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WEDNESDAY, OCTOBER 10, 1979

U.S. Senate,
Subcommittee on the Handicapped,
Committee on Labor and Human Resources,
*Washington, D.C.*

The subcommittee met, pursuant to call, in room 4228, Dirksen Senate Office Building, Washington, D.C., commencing at 9:47 a.m., Senator Jennings Randolph (chairman of the subcommittee) presiding.

Present: Senator Randolph.

## Opening Statement of Senator Randolph

Senator **Randolph**. Good morning, and welcome to the 6th in the series of oversight hearings on Public Law 94-142, the education for all handicapped children act.

This morning we begin our hearings with representatives of institutions of higher education. During the past year we have heard from a variety of individuals involved in the education of handicapped children that there is a severe shortage of professionals—classroom teachers, in particular, as well as school psychologists, therapists, and other professionals who are needed if the implementation of Public Law 94-142 is to be successful. This became more evident during our past five hearings.

I am pleased to have the cooperation of these representatives of institutions of higher education, and I am hopeful that they will assist us in overcoming this serious shortage.

We will begin our hearing with Dr. William G. Monahan, dean of the college of Human Resources and Education, West Virginia University.

## STATEMENT OF WILLIAM G. MONAHAN, DEAN, COLLEGE OF HUMAN RESOURCES AND EDUCATION, WEST VIRGINIA UNIVERSITY, MORGANTOWN, W. VA.

Dr. **Monahan**. Thank you, Senator Randolph. I am Bill Monahan, dean of the College of Human Resources and Education at West Virginia University in Morgantown.

I am delighted to be able to be here today, and I am honored to provide testimony before this distinguished subcommittee.

Senator **Randolph**. Doctor, your testimony, how long does it run if you were to give it in its totality?

Dr. **Monahan**. Probably 5 to 10 minutes. I had thought it might be appropriate simply to summarize it.

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Senator RANDOLPH. If you can do that, it would be helpful. Your formal statement will be included in the record, the public printed record.

Please proceed. We're delighted to have you.

Dr. MONAHAN. I would take just a minute or two to make only possibly three points, by virtue of the concerns that I express here.

I think, even though all of us come from different aspects of the general environment concerned with Public Law 94-142, and therefore have vested interests one way or the other, I think it is pretty obvious that we are all advocates for children and that our fundamental purposes with reference to implementation are the same. I believe, however, that in the process we have discovered some things that need to be carefully looked at, one of which is the whole complexity related to the preservice, inservice dilemma with reference to the preparation of teachers and with reference to helping regular classroom teachers deal with the normalization processes of handicapped children in the regular classroom.

I think in terms of some concerns we have the idea of compliance with the law, the intensive effort to move rapidly, as rapidly as possible in dealing with the implications of the law, we have in some cases created situations in which there is a presumption that you can take regular classroom teachers and turn them into special education teachers overnight. Now, while that is obviously an exaggeration, the fact of the matter is, I think, with all teachers today, special as well as regular teachers, the amount of time available in their preservice activities is considerably less than is normally needed. So I believe one important thing we have to be very cautious of is that in the process of dealing with compliance with the law and preparing effective and competent people in the public and private school classroom in dealing with handicapped children, we must be very careful that at the same time we give equal attention to the quite important factors relating to preservice training.

The second point I should like to make, Senator, is the vital importance of research and development in the whole process dealing with Public Law 94-142. Based on some research at West Virginia University, we have found, for example, that among the rural people there are relatively unfavorable attitudes toward the handicapped, at least the attitudes are less favorable than those of persons who are typically not categorized as rural persons.

The amount of research that we need at this point in terms of the general attitudinal structure and the processes by which policy formulations at local district levels come into being with reference to providing significant programs for exceptional children is an area that I think we need to give considerable attention to.

I think at the same time much of the previous work that has been done in materials development, curriculum materials and curriculum aids, probably now needs to be looked at again. Too much of the material so far developed has to do with process rather than with substance. By that I simply mean that too much of it is concerned with how do you go about getting a program going, rather than what the program is all about.

The curriculum materials that have been produced previously in projects in the late fifties and early sixties are terribly, terribly expensive. In our State, I know of no single district that is using any of them. So that the resource bases for the use of these source materials is very high.

The final comment I should like to make and which I did not include in my written testimony is the increasing importance of networking among the existing agencies to help provide additional programing both in terms of research, development, and training. I refer to the already established mechanisms such as the Research and Training Centers for Rehabilitation, the educational laboratories, university-affiliated centers and facilities, and that within those organizations I believe, with relatively modest additional resources, certain types of both research and training services can be brought to bear that institutions of higher education are in a unique position to help coordinate and to help bring about.

I think I have taken enough time at this point.

Senator **Randolph**. Thank you very much, Dr. Monahan.

Something you said causes me to ask this question, so that you might in some detail tell us your thinking:

You gave me the idea that in the rural areas there was opposition—I'm not sure that you used the word "opposition," and perhaps you did not. But I wonder if it is not so much opposition but that, frankly, it's new. Therefore we have a responsibility to bring to those people, board members, teachers, and the administrative officials, the understanding of the law.

Dr. **Monahan**. Yes, sir.

Senator **Randolph**. You can't expect rural people, or for that matter, any people, to accept something totally new without explaining if thoroughly.

Can you expand on that somewhat?

Dr. **Monahan**. I think we don't really know exactly what the general syndrome of the attitude is. I used the phrase "less favorable," but I think it's a very clear and demonstrable syndrome of behavior among rural people, especially among people who are relatively isolated in the rural areas, and this causes us some significant problems in identifying the incidence of handicapped persons.

We know, for example, that one of the largest and toughest populations to deal with is the mildly handicapped. In some cases the rural people, having a less favorable attitude—we don't know why, we don't know what the cause of it is; we don't know whether they're embarrassed, we don't know whether it's a function of their pride, we don't know whether it's a concern about whether their children are going to be treated well, or whether there's a sensitivity—we just don't know. We need to find out.

But we do know there is a difference, and that that difference in many cases can affect the way a local board of education behaves with reference to programing for these sorts of people. I think we just need to probe and inquire a little more into whatever those sets of concerns are.

We might discover, for example, in certain areas within the urban environment there is a similar attitude. But this, I think, is one reason why I suggested that different kinds of research thrusts are now called for than were apparent prior to the enactment of Public Law 94-142.

Senator **Randolph**. You're saying something at the moment that I hadn't realized. It comes not from those who are to serve the handicapped, but from the handicapped who are to be served.

Dr. **Monahan**. Yes, sir; and particularly from their parents and their kinfolk.

Senator **Randolph**. I think this is a problem that perhaps requires innovative action. I'm sure of that, but only because you, Bill, and others in West Virginia, know that this exists. You're going to be finding creative ways in which to handle it, is that correct?

Dr. **Monahan**. Well, we hope so.

Senator **Randolph**. How many persons are there like you that can help get this situation ironed out in West Virginia?

Dr. **Monahan**. Well——

Senator **Randolph**. Several hundred?

Dr. **Monahan**. I would say so, yes, sir. Throughout the country there are probably thousands.

Senator **Randolph**. Could you tell us how the Bureau of Education for the Handicapped cut back on its preservice program and other programs to train people to reach those that we call mildly handicapped?

Dr. **Monahan**. I suppose cutback is perhaps not the accurate phrase to use in this case. I think what has happened is that by virtue of the heavy emphasis on the State education agency functions, that what, in effect, is happening in many cases is that the need is so great, both at the inservice and preservice level, that in developing programs through the inservice activities and through the need under the law for the development of systematic and comprehensive State plans, in some cases the general training programs at the preservice level tend to take too long in the minds of some people, and that as a consequence of that, there is a tendency for preservice training funds to be stabilized at a time probably when they have equal need as well as developing programs at the inservice level.

The actual proportion of change is more a matter of a kind of rethrusting of available dollars, rather than specifically with reference to cutbacks.

Senator **Randolph**. Do you believe that HEW is using its money wisely? We wonder how can HEW be helpful beyond perhaps what it is doing now?

Dr. **Monahan**. Yes. Senator, I think they're using the money the way they think they need to use it right now, and I suppose if I were involved in the circumstances they are involved in, I would try to use it the same way.

We go before our budget committees at the university, and I ask them how much less than I have absolutely got to have are you going to give me. I think the same thing in some cases operates within these environments.

I think in the process of studying and looking at the problems that are beginning to surface with reference to implementation, that quite obviously different priorities will be placed on the availability of the funds that we can anticipate. I should hope in that process that institutions of higher education, which in a sense constitute the most stable source of well-trained, competent personnel, for when you try to retrain a social studies teacher to be a teacher of the learning disabled, we discover the attrition rate among those people is terribly, terribly high. They simply are not able to cope with those kinds of situations.

But I think it's not a matter of the money presently not being used appropriately; I think it's simply a matter of how we can develop new looks at the ways things can happen and develop patterns of procedures that work accordingly.

Senator **Randolph**. We will have questions that we'll send you by mail, and if you will, respond to them as quickly and conveniently as possible.

Dr. **Monahan**. Yes, sir.

Senator **Randolph**. Doctor, I know of what you do at the university. I know of your leadership and that, in a sense, you're a crusader. I think you have to be that in this field. You go out and talk to the people. We know about this; it's very, very important.

At the college that I call my alma mater, we are trying to begin programs in the arts and recreation, not in the fields closely allied to that we're talking about today, but in reference to opportunities for the handicapped so that they may be more a part of our student body. Very frankly, we're making some success.

But as you indicate, it cannot be done overnight. That certainly should not discourage us from keeping at it, even when the odds seem to be somewhat against us at the outset.

At the time of enactment of this law, we realized there would be problems, but that they could, in large measure, certainly over a period of time, be solved.

I thank you very much for coming.

Dr. **Monahan**. Thank you, Senator.

[The prepared statement of Dr. Monahan and responses to Senator Randolph's questions follow:]

**West Virginia University**

MORGANTOWN, WEST VIRGINIA 26506

College of Human Resources and Education

TESTIMONY TO THE U.S. SENATE
SUB-COMMITTEE ON THE HANDICAPPED
OCTOBER 10, 1979, WASHINGTON, D.C.

William G. Monahan, Dean
College of Human Resources and Education
West Virginia University

Senator Randolph and members, I am Bill Monahan, Dean of the College of Human Resources and Education at West Virginia University.

While my interests and concerns regarding the purposes of these hearings are primarily a function of my role as an administrator of academic preparation programs in a great land-grant University, I am here today representing myself and as an advocate for the best quality of educational services possible for all handicapped.

My testimony will be brief and the principle focus of my concerns here today relates to the nature and effective quality of the resources presently "in place" in respect to experiences with legislation affecting the preparation of professional personnel. By "resources-in-place," I refer to the general impact of Federal assistance activities and, more explicitly, to P.L. 94-142.

I am especially eager to point out to this distinguished committee my conviction that institutions of higher education can, and should have, a more direct and a more vigorous role in the implementation of the fundamental purposes of the "education for all the handicapped" ideology. Not so much is this conviction thereby posited in terms of the explicit provisions of various acts, regulations, and promulgations -- but perhaps more importantly, in terms of the essential value that intensive and competent academic preparation holds for the basic fundamental success of that ideology itself.

Accepting the risk of accusation that I represent only another vested interest, I submit that such is indeed the case; I do represent a vested interest and that interest is, I believe, vested as well in all of those who prepare professional persons for roles in the great variety of human services which contemporary life requires and nurtures.

While I will not take the time of this Committee to engage in a recitation of problems, issues, data, and collaborative "difficulties" --(and there has, inevitably, been all of this)-- I will tell you at the outset that schools, colleges, and departments of education can make a much more dramatic and substantive contribution to the overall Congressional purpose in behalf of all categories of the handicapped than such institutions have in recent years been credited. I present that point of view and express it in terms of three considerations: 1) the present status of resources and their application; 2) the pre-service/in-service dilemmas; and, 3) the concerns we are experiencing with undergraduate and post B.A. issues. All of these matters are related in these comments to the confined frame of reference of resources-in-place.

## The Resources Issues

It was established as a primary mission of the Division of Personnel Preparation, BEH, that funding would:

> "... in fact, be allocated on the basis of broad-based, comprehensive regional programming that would clearly make Public Law 94-142 a practical reality across the nation." [1]

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[1] Jasper Harvey, "Regional Collaboration" in: The Map, The Mission and the Mandate, Judy Smith (ed.) USOE, BEH, 1977. p. 5.

Moreover, Mr. Harvey provided the following statement of that "mission:"

> The thrust of the Division of Personnel Preparation is to provide professional, technical, and financial assistance to various institutions for the purpose of preparing qualified educators and other appropriate personnel in sufficient numbers in order to assure that the purpose of Public Law 94-142--that all handicapped children have available to them a free, appropriate public education in the least restrictive environment, which emphasizes special education and related services designed to meet their unique needs--may be implemented. The Division of Personnel Preparation reviews thrust-relevant proposals and administers grants awarded to institutions of higher education, state education agencies, local education agencies, and other nonprofit agencies on the basis of applications judged to merit funding by panels of competent professionals.[2]

I have no quarrel with this statement nor with the integrity of attempts to pursue it; nor certainly would I not want to be on record as being other than enthusiastic about progress that has been achieved. There has been much.

Regarding resources-in-place, we have seen, for example, a significant increase in materials and aids. Apparently, there has been a relatively substantial "thrust-relevance" -- to use the Division of Personnel Development's language -- in materials acquisition yet based on conversations I have had with sc[illegible]cial Education directors around the country, the major focus of much of the material that is available now as compared to before 94-142 is dominated by instructional content related to process -- i.e., materials directed at how one goes about implementing 94-142 in contrast to materials, aids, content, etc., concerned with instructional methodologies and assistance with how one helps in actually teaching handicapped children.

These perceptions relate to the first point I made previously — i.e., the present status of resources and their application; and included in this are some quite positive and encouraging things. For example, there is considerable evidence that commercial publishers are providing more materials of a variety of concerns and there has been a useful "surge" of materials-production which have helped us to sort of translate some effective pre-service information into formats quite helpful for teachers "in-service" and this effort, coupled with invigorated thrusts by both state education agencies in cooperation with institutions for higher education, have helped mightily in staffing problems. In general, however, the bulk of materials-production has been overly concerned with procedural advice rather than substantive pedagogical content.

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[2] Ibid., p. 5.

## Pre-Service/In-Service, and "Catching-Up" Issues

Curiously, one of the truly complex emerging issues that colleges like ours confront in attempting to pursue realization of the intent of 94-142 concerns, directly and indirectly, this whole business of pre- and in-service.

It is a complex problem not alone in terms of policy considerations, but as well, in terms of basic manpower issues. The policy considerations are fairly easy to characterize but as is typical with such considerations, devilishly complex to resolve with much general agreement. The fundamental consideration is simply that except for a rather few highly developed institutions of higher education and an equally few enlightened and progressive states or local school districts, not much was really happening in the broad realm of handicapped education until the critical mass occurred resulting in 94-142, Section 504 of the Rehabilitation Act, and the generally propitious forces of interest all sort of which came together to effect 94-142.

This previously small coterie of isolated interests had struggled to gain strong visibility for programs, support, and public recognition. Unquestionably a vital force in those early efforts was the interest and enlightenment of the Congress through the work of this Sub-Committee and its counterpart in the House. The early and established record of productive effort in the field of rehabilitation has served as demonstrable, hard, and undeniable evidence of that early (and continuing success) in support of research, development, and training in handicapped areas has enormous pay-offs and that attitude has not yet been nearly so efficiently managed in these somewhat emerging areas. It is not my purpose to characterize the rehabilitation activity (which began in this Senate in the late 30's) as a comparable basis for judging 94-142 but merely to emphasize that those early efforts recognized and emphasized the importance and vitality of higher education's potential contribution to a greater extent than does the present state of affairs.

At the same time, and related to that analogy, it is useful, I think, to highlight a seeming paradox that has come to pass in the last ten or so years. Under the enlightened attitudes of the Bureau of Education for the Handicapped (BEH) over a period of years when governmental interests in this now visible field were rather remote except at the Federal level, BEH encouraged with modest funding, the development of excellent training and research postures in a number of institutions.

My own institution enjoyed some of that beneficence as did other generally recognized "rural" environed universities in such states as Kansas, Iowa, and Arkansas. (There were others more affluently endowed to be sure.) The paradox is that such higher education places as I have mentioned have relatively scant state resources bases yet, with the encouragement of BEH and the development thereby of strong programs, such places became established as both regional and national repositories of talent and leadership — now, curiously, BEH is withdrawing its support from such institutions and they are just fundamentally unable to sustain these efforts with state support considering the priorities confronted. Thus BEH has helped some of us become major leaders in the field and is now telling us that what they have helped us to become, we can no longer be!!

This issue relates most emphatically to both pre-service and in-service interests because these states are typically those which engage in the most parsimonious of caveats concerning licensure of teachers. In other words, if you need to "re-tread" people, do it in terms of whoever is available rather than whoever is the most competently prepared.

Complicating this situation, and to large extent exacerbating it, is the problem of isolated places whose compelling need for compliance with the law-of-the-land forces them to appoint persons first and worry about their qualifications afterward. With reference to "in-service" this places something of a burden on a higher education institution, for too frequently neither it nor the local district has adequate resources to fulfill that requirement and the State Education Agency is too busy with implementation regulations to give enough attention to it. The consequence is too many teachers prepared and licensed otherwise but who now need to be "special educators" in order to sustain employment. At the same time, colleges and universities are turning out dozens of quite sufficiently well-qualified graduates who cannot get jobs.

What I am suggesting is that "compliance" behaviors--i.e., understandable compulsions to meet the requirements--too frequently take precedence over sound program planning, and because of these kinds of demands, the "compliance" attitude also has caused Federal and State bureaus to shift policy away from support for pre-service training to in-service training. One important aspect of this compliance attitude concerns the IEP - Individualized Education Program - which is probably the key factor in good instruction yet districts frequently treat this also as something they must comply with as a requirement and that tends to interfere with good instructional planning.

The consequences of this are predictable when it is understood that special education is indeed "Special;" there is ample evidence that the attrition rate among re-trained teachers is quite high and the so-called teaching surplus contributes to that condition simply because there are openings for teachers for the exceptional child where there may be an over-supply of those in normalized fields. When these teachers enter into training for exceptionalities, many of them either then or soon after discover that they cannot cope with these kinds of persons and they quit. In the meantime, much effort and resources are literally wasted. Related to that is the circumstance whereby in many rural areas where communities have difficulty attracting physicians much less teachers, there is pressure on state licensing agencies to reduce standards and that simply encourages numbers of persons to enter the field who are very minimally trained and who, in Dr. Edward Meyen's view (Chairman, Department of Special Education, University of Kansas at Lawrence) will not likely ever to be prepared adequately.

Now I want to candidly point out that even in academic programs that are well-staffed and work with pre-service students from the beginning, we still have turned out some students who were not of the best quality and some of those also throw in the towel. Dr. Meyen pointed out to this witness in a recent conversation that in Special Education, in virtue of the fact that field has not enjoyed a surplus, we have had to turn out the best with the mediocre. He proposes the interesting notion that we must develop a surplus because only then can we be selective in admitting, graduating and especially employing, high quality persons. Yet, BEH has cut back in its support of both pre-service programs as well as programs aimed at the *mildly* handicapped. Some experts in the field really believe that the *mildly* handicapped represent the tough group right now for a number of reasons. They have the highest incidence and probably can gain the most from less costly programs, and they are typically the most easily ignored.

In closing these comments, I want to raise a flag of caution against that rational but simplistic notion that a big *crash* program with heavy emphasis on undergraduate programs and even comprehensive re-training programs through in-service patterns will solve our problems in these various areas quickly -- it will not. On the contrary such a strategy could be damaging. Working with exceptionalities requires a good deal of maturity and especially so when one confronts the more profound problems such as the learning disabled, the emotionally disturbed, and the severely retarded. I believe that colleges and schools of education have the capacity to provide high quality professional training for all areas of exceptionality but I also believe that resources must be redirected into these longer-range training programs and that unless such professional concerns are attended and emphasized more than they are under present patterns, we will not make nearly as much progress as we otherwise might. Certainly, dramatic results may not be clear for another five years but we have waited for fifty years already -- another five may be the best years of our lives so far as the handicapped are concerned.

I am available for any questions you might have. Thank you for your courtesy and your invitation to be here today.

OCT 26 1979

**West Virginia University** | MORGANTOWN, WEST VIRGINIA 26506

College of Human Resources and Education

October 23, 1979

10-26-79

The Honorable Jennings Randolph
Chairman, Subcommittee on the Handicapped
4230 Dirksen Senate Office Building
Washington, DC 20510

Dear Senator Randolph:

I am enclosing my written response to the two questions provided to me following my appearance before your Sub-Committee on October 10, 1979. I am also enclosing the edited transcription of my oral testimony pursuant to instructions contained in your letter.

Again, I want to express my sincere appreciation to you and to Ms. Forsythe for the opportunity to appear before the committee, but more importantly, for your superb leadership in behalf of handicapped persons and that of Patricia and others in the staff who make all of us feel very good about prospects in the future.

Cordially,

Bill Monahan

William G. Monahan
Dean

WGM:ddm

In response to submitted questions from Sub-Committee on Handicapped;
October 10, 1979

William G. Monahan, Dean
College of Human Resources and Education
West Virginia University
Morgantown, WV

1. Can you tell us how the Bureau of Education for the Handicapped has cut back on its pre-service program and programs to train people to teach the mildly handicapped? and:
2. You say in your testimony that BEH has assisted institutions of higher education to become major leaders in the field of training teachers for the handicapped. Can you expand on that and explain how BEH has indicated, to paraphrase from page 6 of your testimony, that what they have helped you to become, you can no longer be?

These two questions are closely related for they concern the same general problem. With reference to "cut-backs," the issue is not that there have been absolute reductions in training dollars but that such funds have now been spread too thinly by virtue of increased allocations of training funds to local education agencies (LEA's) and to State Education Agencies (SEA's). While it may indeed seem that higher education institutions (IHE's) are perceived as promoting a monopolistic attitude toward subsidized training when criticizing the broader allocation of training funds, our position is that neither LEA's or SEA's have a realistic recognition of the truly complex and difficult dimensions of the training task for teachers of the handicapped. Consequently, recognizing that enormous pressures are brought to bear on the Bureau of Education for Handicapped (BEH) to provide funding for training and re-training (and for training aimed at sensitizing regular classroom teachers to be "ready" for normalization or "mainstreaming"), and that these pressures are for allocating funds to the site-specific locales where the handicapped population is, IHE's are put in the awkward position of seemingly advocating a kind of delayed training response. Now by that, I simply mean that based on long experience, we in higher education know that appropriate and effective professional preparation takes longer but we also know it is more efficient and that the attrition rate among persons well-prepared in pre-service programs is much lower.

Thus, considering the increased allocation of funds to LEA's and SEA's and, as well, increased broadened funding to many more IHE's than have ever previously participated in BEH training grants, our concern—that of some of those of us who have been at this business for many years in well-established programs—is that we may be creating more problems than we're solving.

That brings me, then, to the second question. What is happening has to be understood in terms of the scope of competence developed and the resources available to sustain that excellence. In other words, over a period of some years, some IHE's have been able to put together a critical mass of highly competent personnel and with the essential assistance of BEH, have mounted first-rate training and research programs which have enjoyed regional and national visibility but which, without BEH support, could simply never have achieved reputations as centers of excellence otherwise -- such states simply do not have the resources (then, nor now) to support such programs without external subsidies. Yet, with the broadened allocation pattern now pursued by BEH many of these previously excellent programs find themselves struggling to sustain the quality previously attained and with significant other priorities competing for limited resources, cannot really survive. Unfortunately as well, this is the case with states like West Virginia -- with smaller total populations, less bountiful resource bases to begin with, and with a tradition of competent leadership not only within its own state boundaries but regionally looked-to by the immediate environs of neighboring states within its service areas — in the case of West Virginia that would include parts of southern Pennsylvania, western Maryland and Virginia, and southeastern Ohio and eastern Kentucky.

Complicating this allocation and support system dilemma is the fact that the toughest handicapped population with which we must all deal—and especially so in the predominantly rural states—is the "mildly handicapped." Yet in the most recent guidelines from BEH, the mildly handicapped category is not included.

In summary, the emerging pattern of broader allocation of funding for training seems to be based on the presumption that an immediate response to re-training, in-service, can resolve critical manpower needs in special education through LEA's and SEA's rather than through the more thorough pre-service route. The latter will take a little longer but it will result in more permanent and better prepared professional personnel.

Senator **Randolph**. Dr. Bates, would you identify yourself, please.

## STATEMENT OF PERCY BATES, PH. D., ASSISTANT DEAN AND PROFESSOR OF SPECIAL EDUCATION, SCHOOL OF EDUCATION, UNIVERSITY OF MICHIGAN

Dr. **Bates**. Percy Bates, University of Michigan.

I would like to do two things this morning. First of all, I would like to talk just briefly about some of the things that we have done so far, and then to talk a little bit about where I think we need to go.

Personally, I am pleased with the progress thus far, and particularly heartened by the effort of the Bureau of Education for the Handicapped. The Bureau has placed the implementation of Public Law 94-142 as one of its highest priorities. The deans' grants represent a major thrust in this area.

At the present time there are approximately 110 schools of education around the country with these particular grants, with its major emphasis on training regular educators to work with the handicapped.

I am also personally pleased with the efforts of the Bureau in working with the historically black colleges. It is my feeling that this particular effort is an excellent one, and one that we should definitely continue. I think we have all recognized for a long time a large portion of youngsters in special education classes were primarily those from various minority groups. Public Law 94-142 has aided us in correcting this problem and I am sure this effort will continue. For this reason I am especially pleased about this effort in that we will need teacher educators who will be able to help us in meeting this need, and many of them will still be found in the historically black colleges.

Let me move on now to talk about some of the places where I think we need to go.

Research has pointed to the fact that attitude is a rather serious problem in the area of mainstreaming. We know now that we must continue to do something about this, and yet at the same time I am not convinced that we need to continue looking only at teacher attitudes. I think we need to move on to try to find out how these attitudes will interact and interfere with the process of educating handicapped youngsters.

We also need to look at curriculum materials. We need to develop curriculum materials. There is a need to develop curriculum materials that will enhance the self-concept of those individuals who are handicapped, not to continue to use materials that will in and of themselves point out these individuals as being different.

Another issue I would like to raise at this point relates to an area that I think is very critical and needs to have a great deal of attention, is that of parent education. We must learn how to utilize parents in the processes that are spelled out in Public Law 94-142. While we have made some strides in that area, I still think that we have a long way to go.

We need to continue to do research around training, to spell out the kind of training that is needed, and the kind of training that will be effective.

We also need to provide demonstration models of effective implementation of all aspects of Public Law 94-142.

I have just mentioned some of the issues from my written testimony. I will be happy to respond to questions.

Senator **Randolph**. I am the only member able to be here today, and I'm supposed to be at two other places. Our members are very active in this subcommittee, but we're running into difficulties now with certain legislative problems that require them to be at other places. Senator Eagleton, for instance, today is chairing the higher education oversight hearings, and others of our group cannot be here.

If it is agreeable to you, Doctor, we have many, many questions, but could we provide those for you to answer by mail?

Dr. **Bates**. Absolutely. I would be happy to.

Senator **Randolph**. That would be helpful to us. And your testimony is very helpful, and I appreciate not only your expertise on this subject matter but your willingness to assist us. Is that all right?

Dr. **Bates**. Fine.

Senator **Randolph**. Thank you very much for being with us.

[The prepared statement of Dr. Bates and responses to questions of Senator Randolph follows:]

# STATEMENT

before the

Subcommittee on the Handicapped
of the
Committee on Labor and Public Welfare
U. S. Senate

Submitted by:

Percy Bates, Ph.D.
Assistant Dean and
Professor of Special Education
School of Education
The University of Michigan

I am both pleased and honored to be able to present testimony to the Subcommittee on the Handicapped in reference to PL 94-142. This statement is not the official position of The University of Michigan but, instead, is a combination of my thoughts and those of my colleagues in Special Education in the School of Education at The University of Michigan.

At this point in time, PL 94-142 is well underway and I suspect is receiving mixed reviews. There are those who think of this law as the best thing that has ever happened to handicapped persons in this country, while others view it as an albatross and a burden. My position is that PL 94-142 was long overdue and, while not perfect in implementation, is clear in purpose and intent.

I am pleased with the progress thus far and particularly heartened by the efforts of the Bureau of Education for the Handicapped (BEH) in the Office of Education (USOE). The Bureau has placed the successful implementation of PL 94-142 as its highest priority at both the pre-service and in-service levels. The Deans' Grants represent a major thrust in the area of pre-service training for regular educators to meet the needs of handicapped students in regular classes. There are at the moment approximately 110 schools of education around the country with Deans' Grants whose major emphasis is on modifying regular education training programs at the pre-service level to better serve mainstreamed students.

I am personally pleased with the efforts of BEH in working with the historically black colleges and universities. The implementation of PL 94-142 virtually assures improved diagnostic and placement procedures for mildly handicapped students. Most assuredly, this will correct the situation that produced an overabundance of minority students in self-contained special education classes, while supporting those minority students who justifiably require special educational services. It is therefore reasonable to assume that minority personnel will be necessary to assist in this effort. The majority of minority teacher trainees, particularly black trainees, are still attending historically black schools, and it is for this reason that successful implementation of PL 94-142 requires improved services and attention in these institutions.

The implementation of PL 94-142 has brought about many positive changes in educational procedures for handicapped citizens: mainly, a guarantee of a free and appropriate education, improved diagnostic and placement procedures, specific work plans (IEP's), clearly specific short- and long-term goals, follow-up procedures on goals and programming, and improved procedures for parental consent and involvement in the education of their children.

It has also brought a myriad of issues to the forefront of teacher education, both in developing appropriate pre-service training programs and in devising strategies for retraining in-service educators. In both cases, the major focus is on the development of competencies -- knowledge, skills, and attitudes -- to deal with the exceptional child both in and out of mainstreamed settings. While the training approaches may be different for each population, the ultimate goal is the same. Therefore, it is necessary to examine factors which may facilitate the full implementation of PL 94-142.

One of the most critical variables in the success of PL 94-142 is the attitude of regular educators toward handicapped students. A considerable amount of research has been conducted on teacher attitudes toward handicapped children, but the results have been mixed and generally unreliable (Jones, 1978). Several studies on teacher attitude toward specific disability groups reveal conflicting evidence (Shotel, Iano and McGettigan, 1972; Warren and Turner, 1964; and Combs and Harper, 1967). We must continue research in this area until some definitive conclusions can be reached.

Another area of critical concern is that of teacher attitude toward mainstreaming. This, too, is a place where our current knowledge is somewhat limited. Little research has been attempted which directly assesses classroom teachers' attitudes. Rather, such information has come about as a by-product of measuring the effectiveness of in-service training programs (Haring, 1965; Shaw and Gillung, 1975; Glass and Meckler, 1972; Brooks and Bransford, 1971; Yates, 1973). Much more research on specific teacher attitudes will be necessary before we can say anything with confidence about the relationship of mainstreaming and teacher attitude.

While additional research is needed on teacher attitude and mainstreaming, most teacher educators realize that teacher attitude is only a part of a broader set of competencies which include knowledge of and skills in working with handicapped students. The development of professional educators who possess an integrated set of competencies -- skills, knowledge, and attitudes -- is the goal toward which teacher education must strive.

One of the most critical issues which impacts on meeting these goals is the need for clarification of the concept of "least restrictive environment." Additional research is needed to determine what type of mainstream environment is necessary to facilitate successful integration of handicapped students. Environmental research efforts need support in many areas -- on the most facilitative type of mainstreaming teacher for each handicapping condition, what types of handicapped children can be successfully mainstreamed together, and what happens to the partially mainstreamed handicapped student when he/she returns to the self-contained special classroom. Each of the variables mentioned above and, most assuredly, many more are of the essence in determining the appropriateness of the least restrictive environment. These results would be useful in expanding the knowledge base which schools of education would have to offer trainees in preparing them to work with mainstreamed handicapped students.

Closely aligned with the confusion about the concept of least restrictive environment is the need for development of communication networks between special and general education faculties. For many years, the mystique of special educators' ability to handle exceptional children was reinforced by segregated training and administrative components. Often housed under the same roof, special and regular education have existed as two separate entities, each with its own personnel, clientele, methodologies, and administrative structures. The implementation of PL 94-142 is a signal that the barriers which enforced isolation have begun to crumble. While the Deans' Grants have served as good models for the rebuilding effort, we must continue to search for effective methods of improving the communication network between regular and special educators.

While continued research efforts on attitude and communication need support, it is also time to move on to the assessment of other critical variables. The investigation of appropriate curricular materials is an area where additional information and knowledge are needed. We are in need of curricular materials that will enhance the self-concepts of handicapped students in the regular class. Heretofore, many materials used by handicapped students when integrated into regular classes tended to be different from those used by other students and, hence, highlighted the difference between the two populations. The Science Activities for the Visually Impaired (SAVI) model is an example of curricular materials developed specifically for the handicapped student that do not diminish the science content and are useable by regular students in the class. While SAVI materials are specific to visually impaired students, the Science Enrichment for Learning and Physically Handicapped (SELPH) materials, similar to SAVI, have promise for application to a wider range of handicapping conditions. Research and demonstration efforts should be continued in the area of curriculum development, particularly in subject matter areas where handicapped students have traditionally been excluded (reading, math, and science).

Related to curricular study is the need to expand research efforts in behavior management techniques. Many regular teachers have indicated a lack of confidence in their ability to manage mainstreamed students. This lack of confidence also plays a major role in attitudes held by regular teachers regarding handicapped students. Improvement of skills and knowledge in this area is likely to result in improved services to handicapped students and the development of more positive teacher attitudes toward this group of students.

Another area where additional study is needed relates to the utilization of parents in the education process of their children. Tremendous strides have been made in this area, but there is evidence to suggest that there is still much to do. Training and demonstration models in which parents are trained in the process of exercising their newly gained rights must be continued and constantly encouraged. Training programs at both the pre-service and in-service levels should include strong components of parental involvement.

Additionally, there still remains the problem of service delivery in sparsely populated areas. Perhaps research and demonstration should be encouraged that get at this issue. One way that this might be accomplished is through the assessment of innovative communication and in-service efforts and the replication of these efforts in sparsely populated areas.

Finally, while a great deal has been accomplished for handicapped citizens as a function of PL 94-142, it is fair to say that there is much to do before we will be able to point to our accomplishments with pride and enthusiasm for a job well done. This will not occur until every handicapped person in this country is receiving a free and appropriate education in the least restrictive environment.

Thank you very much for the opportunity to make these comments on behalf of PL 94-142 and handicapped children. I am delighted to see that the Subcommittee on the Handicapped is taking this time to see where we have come and where we still have to go in reference to PL 94-142. This type of session attests to the belief that laws, like most other things, can only be improved through careful analysis, review, and follow-up. In this way we will be able to continue to work toward the improvement of the educational process for handicapped students and, thus, toward the improvement of the quality of life for all of our handicapped citizens.

DR. PERCY BATES - QUESTIONS

1. YOU NOTE THAT THE ATTITUDE OF REGULAR EDUCATORS TOWARDS HANDICAPPED STUDENTS IS A CRITICAL VARIABLE IN THE SUCCESS OF PUBLIC LAW 94-142 AND THAT CONSIDERABLE RESEARCH HAS BEEN CONDUCTED ON TEACHER ATTITUDES. CAN YOU TELL US MORE ABOUT THE FINDINGS OF THE RESEARCH?
2. YOU STATED THAT "MANY REGULAR TEACHERS HAVE INDICATED A LACK OF CONFIDENCE IN THEIR ABILITY TO MANAGE MAINSTREAMED STUDENTS". IS YOUR REMARK BASED ON RESEARCH FINDINGS OR INFORMAL STUDY?

Dr. Percy Bates

1. You note that the attitude of regular educators towards handicapped students is a critical variable in the success of Public Law 94-142 and that considerable research has been conducted on teacher attitudes. Can you tell us more about the findings of the research?

Investigations to ascertain the relationship between attitudes and behavior (Kiesler, Collins, and Miller, 1969; Triandis, 1971) suggest that teacher attitudes toward the disabled may be of particular importance. Results suggest that teachers' attitudes are frequently reflected in behaviors exhibited toward the individual student. A number of studies have focused in part on teacher behaviors as they related to their positive or negative perceptions of students. In general, these studies suggested that teachers' behavior toward positively-perceived students was more supportive and less critical than that demonstrated toward more negatively-perceived students (Brophy and Good, 1970; Kester and Letchworth, 1972; Rothbart, Dalfen and Barrett, 1971; Robouitz and Maehr, 1971; Silberman, 1969).

Educators' attitudes toward mainstreaming have frequently been investigated. Surveys consistently indicate that regular teachers express more negative attitudes concerning work with exceptional students than with normal or gifted students (Haring, Stern and Cruickshank, 1958; Murphy, Dickstein and Dripps, 1960; Panda and Bartel, 1972). In 1972, Blozovic found that regular teachers considered special class placement as more beneficial for EMI than placement in a regular class. EMI students were perceived as more unruly and disruptive than their normal peers. Deleo (1976) found that among key educational roles the director of special education was most favorable to the inclusion of EMI students into the regular class, followed by special education teachers, principals and, lastly, regular teachers.

Recently Vacc and Kirst (1977) explored the attitudes of regular classroom teachers toward mainstreaming of emotionally impaired students. Teachers' responses suggested that they felt emotionally impaired (EI) children would not be accepted by normal peers and would be a disruptive influence on both their teachers and their nonhandicapped classmates. Responses also indicated that this group of teachers viewed the public school system as responsible for providing for the educational needs of

EI children. A majority of teachers indicated a choice of special class placement within the regular school setting for EI students. However, most noted that regular class placement would be a beneficial option for the emotionally impaired child. Most teachers believed that if EI children were to be mainstreamed into regular classrooms class size should be reduced, an aide provided, and further training in special education made available.

A survey by Hoffman, West and Bates (1978) also indicated that regular "teachers desired inservice workshops, special curriculum materials, and resource teachers as means of increasing their ability to accommodate exceptional students." A finding from a survey conducted by Harasymiw and Horne (1974) was that younger teachers held more positive attitudes toward mainstreaming exceptional students than did older ones. The authors attribute this finding to changes in teachers' perceptions due to the recent emphasis of current teacher training programs on some special education coursework and the philosophy of integration.

After reviewing several attitudinal surveys, Anthony (1972) concluded that for a program to be effective in improving teachers' attitudes it must provide relevant information concerning exceptionalities and also actual experience with exceptional students. Successful results have been reported for inservice programs designed to improve teachers' attitudes and competencies for working with mainstreamed students when both the experience and knowledge components were incorporated (Brooks and Bransford, 1971; Glass and Meckler, 1972; Harasymiw and Horne, 1976).

A survey by Dente (1976) of teacher preparatory programs suggests that involvement by nonspecial educators at the university level, namely elementary and secondary education departments, is necessary in conjunction with special education departments "if the concept of mainstreaming is to become a viable educational practice." Alexander and Strain (1978) suggest that more specific studies of all aspects of preservice and inservice education is necessary in order to determine the most optimal format for preparing regular educators to work successfully with mainstreamed exceptional students.

Dr. Percy Bates

2. You stated that "many regular teachers have indicated a lack of confidence in their ability to manage mainstreamed students." Is your remark based on research findings or informal study?

The lack of teachers' confidence in their ability to manage mainstreamed students is documented both by research and by observation.

Briefly, several studies (Birch, 1974; Haring, Stern and Cruckshank, 1958; Morse, 1971; Schoolmaster, 1978; Gearheart and Weishahn, 1976) suggest that teachers may be apprehensive about their own abilities to successfully integrate and plan for handicapped children. Gearheart and Weishahn (1976) state that:

> . . . Once a student has been labelled, there seems to be a more generalized influence on the teacher's views of the student. . . . The results of the label may not only lower the level of expectation but may also reinforce the regular teacher's feeling that "I don't know enough about teaching mentally handicapped children; the student should be in a special classroom."

Morse (1971) and Schoolmaster (1978) confirm this in discussing that teachers feel dubious about their capabilities to deal with exceptional children. They add that simply making teachers aware of their freedom to design programs for the special student may not be adequate, as most regular classroom teachers have had little or no previous experience with exceptionality. For these teachers, the freedom to design programs may, in fact, exacerbate their feelings of inadequacy. Birch (1974) notes that the way in which such apprehensions need to be overcome is by "building up the confidence and competence [of teachers] so that the child will not be treated with an initial rejection but taken as [s]/he is."

The personnel who may be useful in assisting this confidence building in mainstreaming teachers -- principals and special education staffs -- may be hesitant to intervene. Principals have little more knowledge of exceptionality than do classroom teachers (Birch, 1974) and in many cases have less. At the same time, special educators may hesitate to assume consultant roles, as they often have neither the skills nor the personal characteristics to do so (Schoolmaster, 1978).

The upshot of such lack of support often results in feelings of negativism on the part of regular educators. Indeed, Haring, Stern and Cruickshank (1958) note that those teachers who have little or no contact with special children tend to lean towards attitudes of rejection rather than acceptance. They also tend to be more anxious and threatened by mainstreaming.

My personal observations and those of my colleagues at The University of Michigan support these data. Special and general education have existed as virtually separate entities -- with separate facilities, materials, teaching staffs, and administration. This enforced separation produced a situation in which one group was made responsible for the education of "normal" or non-exceptional children and the other group was made responsible for the education of all "non-normal" or exceptional children, effectively creating an abyss that was supported by earmarked governmental monies. Thus, the mystique of special education and its ability to educate "those kids" was born and became firmly entrenched.

The passage of the Education for All Handicapped Children Act set into motion a reason for bridging this gap. Not surprisingly, however, it has provoked a great deal of resistance from both special and general educators. Years of perpetuation of the belief that special education had "the corner on the market" produced a territorialism on its part whose only strong rival was the general education belief that it had little additional energy to devote to a population of students whose needs could only be met in very small groups with very special materials. Thus, a lack of confidence has permeated the field of regular educators who have neither the time nor the materials to offer special education students the attention to which they have become accustomed.

HIGHER EDUCATION PERSONNEL

1. TO WHAT EXTEND DOES YOUR UNIVERSITY CONSULT WITH THE STATE SPECIAL EDUCATION DIVISION IN DEVELOPING PROGRAMS TO TRAIN SPECIAL EDUCATORS OR OTHER PROFESSIONALS WHO MAY BE PROVIDING SERVICES UNDER PUBLIC LAW 94-142?
2. SOME WITNESSES HAVE COMMENTED THAT HANDICAPPED STUDENTS IN SECONDARY SCHOOLS ARE RECEIVING VERY LITTLE ASSISTANCE BECAUSE OF A LACK OF APPROPRIATELY TRAINED TEACHERS AND APPROPRIATE PROGRAMS. WOULD YOU AGREE WITH THIS ASSESSMENT? IF SO, HOW COULD THE HIGHER EDUCATION COMMUNITY RESPOND TO THE NEED FOR SECONDARY LEVEL TEACHERS WHO CAN PROVIDE EDUCATIONAL SERVICES TO HANDICAPPED STUDENTS?
3. HAS YOUR UNIVERSITY BEEN CONTACTED BY THE STATE SPECIAL EDUCATION DIVISION OR YOUR LOCAL SCHOOL DISTRICT WITH REFERENCE TO PROVIDING INFORMATION AND RESOURCES AND OTHER ASSISTANCE IN INSERVICE TRAINING OF REGULAR EDUCATION TEACHERS?
4. DESCRIBE WHAT YOU FEEL IS AN IDEAL INSERVICE TRAINING PROGRAM FOR A SECONDARY LEVEL ENGLISH TEACHER WHO HAS IN HIS OR HER CLASS FOR THE FIRST TIME THIS YEAR SEVERAL HANDICAPPED CHILDREN - INCLUDING LEARNING DISABLED, VISUALLY IMPAIRED AND PROFOUNDLY DEAF. IDEALLY, WHAT KIND OF SUPPORT SERVICES SHOULD BE AVAILABLE? PLEASE DELINEATE WHAT YOU FEEL THE TEACHER'S RESPONSIBILITIES ARE IN TERMS OF MEETING HER SPECIAL STUDENTS' NEEDS. FOR EXAMPLE, SHOULD SHE/HE KNOW HOW TO COMMUNICATE OR SHOULD THE SCHOOL PROVIDE AN INTERPRETER AS A SUPPORT SERVICE?

Higher Education Personnel

1. To what extent does your university consult with the State Special Education Division in developing programs to train special educators or other professionals who may be providing services under Public Law 94-142?

The Special Education Faculty at The University of Michigan relates very closely to the State Special Education Division and others involved in training personnel under the requirements of P.L. 94-142. Assistant Dean Bates serves on the State Advisory Committee for Professional Development. In the State of Michigan there is very close liaison between the State Department of Education and teacher training institutions.

2. Some witnesses have commented that handicapped students in secondary schools are receiving very little assistance because of a lack of appropriately trained teachers and appropriate programs. Would you agree with this assessment? If so, how could the higher education community respond to the need for secondary level teachers who can provide educational services to handicapped students?

The observation of a lack of services to secondary age students is essentially correct. There is considerable effort in the Deans' Grants to attack this problem. We must increase the resources to train secondary personnel to work with handicapped students. The Deans' Grants offer some hope in this area.

3. Has your university been contacted by the State Special Education Division or your local school district with reference to providing information and resources and other assistance in inservice training of regular education teachers?

Yes. Assistant Dean Bates from The University of Michigan, heads a State subcommittee to address the question of training for regular education teachers to work with handicapped students.

4. Describe what you feel is an ideal inservice training program for a secondary level English teacher who has in his or her class for the first time this year several handicapped children -- including learning disabled, visually

> impaired and profoundly deaf. Ideally, what kind of support services should be available? Please delineate what you feel the teacher's responsibilities are in terms of meeting his/her special students' needs. For example, should she/he know how to communicate or should the school provide an interpreter as a support service?

Secondary English teachers should be involved in intensive inservice training programs for working with handicapped students. All regular education teachers with handicapped students should receive teacher-consultant services. The regular teacher should be able to minimally communicate with handicapped students but extensive communication efforts must be handled by experts in the disability area.

**Senator RANDOLPH.** Dr. Appignani, I want you to know the chairman of our parent committee, Labor and Human Resources, Senator Williams, had wanted to be here, but just as others, he is involved in some very important conferences. So Senator Williams isn't here, but wished to extend to you his greetings and appreciation of your testimony.

So if you will identify yourself and proceed. Thank you.

## STATEMENT OF GEORGIANNA APPIGNANI, DEAN, SCHOOL OF EDUCATION, KEAN COLLEGE OF NEW JERSEY

**Ms. APPIGNANI.** Thank you, Mr. Chairman. I am Georgianna Appignani and I am dean of the School of Education at Kean College of New Jersey.

It is no accident that the three of us on this panel are deans of education. We are the administrators who have oversight over the various functions of higher education which include training, which include curriculum development, which include program development, and include what we call dissemination, which is how do we get the knowledge out in the field and in the hands of teachers.

I think it is important that the committee recognize the scope of functions of schools of education, because the implementation of Public Law 94-142 has had some unanticipated effects as it relates to schools of education in carrying out these functions.

I would like to talk particularly this morning about the training function and how the training has been carried out under part B of Public Law 94-142.

Parents and teachers are correct, that training is needed, and training is needed soon. However, many colleges are finding it difficult to respond to this demand. Not only does the law impact on curriculum, it changes how, when, and where the training will be conducted. It is anticipated that most inservice work will be carried out in the field, and that it must be responsive to specific needs, identified by teachers and the State. The legislation requires considerable coordination by the Federal Government and through the States with institutions of higher education and local schools.

To be effective, this legislation will require teacher education to change in very dramatic ways. Colleges and universities are valuable resources, as you well know. However, the rapid implementation of the law has caused some unanticipated effects. We in higher education, and teacher education in particular, are experiencing a market recession. You are well aware of the current teacher supply/demand imbalance. The control of part B funds is in the State education departments. This control of funds, which is supposed to have oversight over training research and development goes directly to the State education departments, and although schools of education and higher education institutions are supposed to be involved in the development of the comprehensive State plans, we have some evidence that indicates the extent of their involvement is not appropriate to the intent of the legislation.

We have internal government problems in our own schools, in our higher education institutions, when very often a need that is manifest out in the field, such as handicapped education, or equal educational opportunity, isn't perceived as a high priority in our own internal government systems. Consequently, we have difficulty getting resources to gear up in the way we should.

I have no changes to recommend in the legislation. I do have some changes to recommend in how the legislation is carried out.

The legislation raises expectation of our society for the performance of teachers. It also raises expectations with the performance of certain agencies, particularly the State education department, the schools, and the institutions of higher education. The legislation clearly calls for collaboration in comprehensive planning. Collaboration is essential to the implementation of the law.

How effective has it been? The newness and scope of the legislation, the understandable difference in readiness of the States and the institutions involved, the number of agencies and groups required to participate, make generalizations difficult. The data base is impressionistic and fugitive.

Nonetheless, certain patterns appear and should be immediately addressed if the complex requirements of Public Law 94-142 are to be carried out in their intent. Although it should be clearly noted that the situation varies from State to State, several surveys do not paint an optimistic picture as to the present contribution of schools of education in meeting the training implications of Public Law 94-142.

According to a recent review of the comprehensive system personnel development plan, this plan is required by law, by Public Law 94-142, a review of this plan of 35 States showed only 23 States with evidence of participation by the higher education institutions in the development of that plan——

Senator **Randolph**. If I could interrupt on that point, will you place in the record what the States were?

Ms. **Appignani**. Yes.

Senator **Randolph**. I think that would be helpful. I would also like to follow through by asking if those States in which the implementation had not moved forward were rural or very populated metropolitan areas?

Ms. **Appignani**. There is no clear pattern that emerges. What we are finding in the 23 State plans that did involve collaboration with institutions of higher education, that there was no description of the exact degree of participation. The degree varied from a college faculty member being on a planning committee, to a college writing the entire plan for the State. There is no pattern that would show a State's capacity at collaboration being related to its geographic location, whether it's urban or rural.

The four States where we are aware—and there may be more—here there is strong evidence of collaborative planning, are Arizona, Indiana, Ohio—I have the States mentioned in the testimony, where there was evidence—and Rhode Island was another, where the State education department comprehensively planned, in collaboration with higher education, for the personnel development.

Senator **Randolph**. I believe those three, plus Rhode Island, and Washington, I believe; is that correct?

Ms. **Appignani**. Yes.

Senator **Randolph**. Is there anyone here from the State of Washington?

Mr. **Lafayette**. Yes, sir.

Senator **Randolph**. Do you endorse what she says?

Mr. **Lafayette**. I believe that is correct.

I am Ron Lafayette, Seattle Community College. I just wanted to support your statement regarding the State of Washington, in cooperation between the superintendent of public instruction's office and primarily the University of Washington.

Senator **Randolph**. Thank you very much.

I come back to it again, though. What about West Virginia?

Ms. **Appignani**. Well, Dr. Monahan I believe has indicated that the university is responding in terms of training, but it is not—you see, the legislation has most of its money in part B funds. These are funds that go directly to the State education department.

Dr. Monahan, I believe, has very strong and quality programs which are not funded as a result of part B, which is Public Law 94-142. What we are suggesting is that in the future the various roles and responsibilities of the agencies involved—the State, the higher education institutions, and the LEA's—as it relates to the delivery of training, become more explicit.

Now, we are not saying that schools of education have to do all the training. Clearly, we agree there should be a partnership among three agencies. The legislation states this.

What we would like to do is not have the fact that the money is coming directly into the State, have the State develop a parallel system of training, which would reduce the quality of training in the higher education institutions, because the resources, frankly, are not there, because the money goes directly to the States.

Senator **Randolph**. Then there are the levels within a State, a peculiar funding situation that can exist, which does not mean the program can't really function. It can function if it uses whatever, let's say, strengths it has in various agencies; is that right? Can we pull them together?

Ms. **Appignani**. Right. I am suggesting that some kind of facilitation be undertaken, probably through the Bureau of Education of the Handicapped in their program administrative reviews, that as they go around and monitor the implementation of the law will ask for evidence of the participation of the various role groups.

Senator **Randolph**. You're really saying we don't want duplication, that's it, isn't it?

Ms. **Appignani**. Yes.

Senator **Randolph**. That would be just lost motion.

Ms. **Appignani**. Well, it's more than that. It could contribute to the destruction of a very important institution in our society, and that is the higher education institution as it offers teacher training.

Senator **Randolph**. I appreciate your adding that.

Ms. **Appignani**. I think I have made my point about the training aspect.

In my review of the literature, it seems that various role groups have requested that the legislation be changed so that a formal part of the part B funds is dedicated to training. I am not proposing that a certain set aside be made for training. I am proposing that training be defined as it's going on in the States, and that the State does document what percentage of part B funds are dedicated to training.

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The legislation also under part B provides for curriculum development and product development and dissemination. Once again, however, given the money for those activities directly to the State education department, I would like to see the relationship of our colleges to those functions also be documented.

Senator **Randolph**. I like both of the points that you're making here, that we not have the parallel systems, is that right?

Ms. **Appignani**. Yes.

Senator **Randolph**. That is certainly basic, and then part B, inservice funds, can be effective if intelligently applied?

Ms. **Appignani**. Senator, if I have another minute, there is another point I would like to make.

Senator **Randolph**. Certainly.

Ms. **Appignani**. This legislation clearly requires collaboration, and I'm not sure that the legislation has anticipated the context that these institutions find themselves in when this collaboration is being required. Not only do we have the various aptitudinal problems referred to by Dr. Monahan, but we have some reality problems that are both of what we would call of a political nature, more likely a social nature.

The thing I'm talking about is that Public Law 94-142 comes at a time when the Federal Government and State governments are criticized for intruding too much into the business of localities. Public Law 94-142 comes at a time when public schools and the performance of teachers has been criticized more than it ever has in the history of, to my knowledge, of education. Public Law 94-142 comes at a time when colleges, particularly schools of education, are criticized for not preparing teachers well enough.

Now, to ask people to collaborate, it is difficult enough; to ask people to collaborate under these conditions is extremely difficult. So I am urging that the committee understand that collaboration requires time, and it requires some careful attention in terms of documenting what works, and it will require some resources.

I am hoping that the Bureau of Education of the Handicapped will commit some money in facilitating this kind of administrative mechanism that would be necessary for full implementation of the law. So I am suggesting that some portion of funds be allocated for building the collaborative system among these three agencies, so in fact they can comprehensively plan for training together.

[The prepared statement of Ms. Appignani and responses to questions of Senator Randolph with additional material follow:]

## U. S. SENATE COMMITTEE ON LABOR AND HUMAN RESOURCES

## SUBCOMMITTEE ON THE HANDICAPPED

## OVERSIGHT HEARINGS ON THE IMPLEMENTATION OF P.L. 94.142

# The Relationship of Schools, Colleges, and Departments of Education to the Implementation of P.L. 94.142

Georgianna Appignani
Dean, School of Education
Kean College of New Jersey

October 10, 1979

Mr. Chairman and members of the Committee, thank you for inviting me to present my views on the implications for teacher training as a result of 94.142. My name is Georgianna Appignani and I am Dean of the School of Education at Kean College of New Jersey.

Last July your committee heard from parents and teachers that better teacher training was needed in order to implement 94.142. Parents and teachers are correct in their assertions that training is needed and needed soon. However, many colleges are finding it difficult to respond to this demand. Not only does the law impact on the curriculum; it changes how, where and when the training is conducted. It is anticipated that most in-service work will be carried out in the field and that it will be responsive to specific needs identified by teachers and the state. The legislation also requires considerable coordination by the federal government, and through the states, with institutions of higher education and local schools for the development of a system of personnel training. To be effective, this legislation will require teacher training to change in dramatic ways.

Colleges and universities are valuable resources in place which can meet the needs which are emerging through this legislation. However, the rapid implementation of the law has caused some unanticipated effects. A variety of reasons: their own market recession (as a result of the current teacher supply-demand imbalance); the control of Part B funds by the state education departments; and the reluctance of their own internal governance systems to recognize the magnitude of the mandate has left them without the necessary human capital to commit to the needs identified. The resources in place in the schools, colleges, and departments of education (SCDEs) in our country's institutions of higher education (IHEs) can be summoned into immediate action if more explicit attention is paid to their role in the implementation of 94.142. I am hopeful that the recommendations I make to this committee will be useful to that end.

These considerations result from my experiences as a dean, discussions with other deans, and from a review of the current literature. They have been discussed with various representatives of state education agencies (SEAs) and with officials in the Bureau for the Education of the Handicapped (BEH). I have no changes to recommend in the legislation or the regulations. The flexibility in implementing 94.142 is an important principle which should be preserved. However, the following issues must be addressed if we are to provide quality services to handicapped children.

There is no doubt that this legislation raises the expectations of our society for the performance of teachers. It also raises our expectations for the performance of certain agencies: the schools, the SEAs, and institutions of higher education. The legislation clearly calls for the collaboration and comprehensive planning by these agencies in the preparation of qualified personnel [section 121a.381(a)]. Collaboration is essential to the implementation of the law.

How effective has this been? The newness and scope of the legislation, the understandable difference in readiness of the states and the institutions involved, the number of agencies and groups required to participate, make generalizations difficult. The data base is impressionistic and fugitive.

Nonetheless, certain patterns appear and should be immediately addressed if the complex requirements of 94.142 are to be carried out in their intent. Although it should be clearly noted that the situation varies from state to state, several surveys do not paint an optimistic picture as to the present contribution of SCDEs in meeting the training implications of 94.142. According to a recent review of the Comprehensive System for Personnel Development plans of 35 states, only 23 showed evidence of the participation of institutions of higher education. The participation of IHEs reported by the states ranged from advising and recommending to one state having the IHE write its plan. No clear picture emerges. There is evidence that much more work in building collaboration needs to be done.

Section 121a.383 requires the state plans to provide a structure for personnel planning for pre-service and in-service education of teachers and that explicit roles and responsibilities be articulated for the SEAs, for the IHEs and for the LEAs. How the roles and responsibilities of these three agencies will be defined has important implications for the future of teacher training in our country. Activities which develop these definitions should be carefully conducted and studied.

It's probably safe to say that true collaboration among agencies is rare. 94.142's mandate for collaboration comes at a time when federal and state agencies are criticized for too much intrusion; schools criticized for not producing enough good students; and colleges are criticized for producing too many teachers and not enough good ones. Collaboration under these conditions will be extremely difficult. It must be undertaken purposefully and in a manner which will ensure that it will work. Research and development funds clearly need to be dedicated to finding out what works, how it can work better, and how it can be replicated in other systems. Such research is important because Titles IV and V of ESEA (P.L. 94.561) also mandate comprehensive state plans for teacher personnel development. However, no funds are currently available to the states for this purpose. Part B of 94.142, however, empowers each state to comprehensively plan its personnel system and provides considerable funds to do so.

One result of this planning is for the careful development of a state system of in-service education for teachers. As there are more than two million teachers in this country, this will be a lengthy and ambitious undertaking. A preliminary national survey of 94.142 in-service activities which has just been completed shows a tendency for IHE personnel to provide the training. This is confirmed by discussions with deans, state directors of special education and from a review of the state plans.

Most of the teacher education community agrees that the complex processes of teacher preparation and development is strengthened by the involvement of a variety of relevant agencies. The quality service dimensions of 94.142 and its concomitant needs for immediate training points to the urgency of the state developing leadership skills to get the relevant agencies together for collaborative planning. They should insure that each sector involved in the implementation of 94.142 gets its share of the job done. Energy and resources should not be spent by the states on the complex process of building a parallel in-service teacher training delivery system when one already exists. That system is in place in our schools, colleges and departments of education in our higher education institutions. Today, it needs help. The training dimensions of 94.142 require IHEs to build planning and inter-agency collaboration skills, too. Teacher education also needs to retool their faculties; to revise their curriculums and fight internal administrative battles which impede the speed and quality of their responsiveness to the personnel preparation demands of 94.142.

The apparent lack of responsiveness to the training dimensions of 94.142 cannot be attributed to academic detachment. At this period of time, schools of education are more like the tower of London than an ivory tower. The demographics of a declining school age population indict them with the culpability of supplying too many teachers so their budgets get cut. Beleaguered by public demands for excellence, diversity, accountability, and fiscal prudence, teachers turn to the inadequacies of their college preparation and demand new methods and systems for their in-service training and on their terms. Women, who traditionally chose teaching as a viable occupation, now pursue a variety of new careers leaving teaching with a brain drain which has been documented by current research. These conditions describe what is going on in many schools of education right now.

In all, the picture is bleak for schools of education. It will be difficult to gear up the necessary resources to respond to the unprecedented demands for in-service education without help. It can be done, however, and with little in the way of additional resources.

Currently, Personnel Preparation for the Education of the Handicapped is generally developed through Part D of P.L. 93.380. P.L. 94.142 did not change Part D. Currently $7.5 million of $55 million in Part D are allocated to help colleges of education revise their pre-service programs so that beginning teachers will be trained consistent with the purposes of the legislation. More than 160 such projects are presently funded as Dean's Grants. However, no comprehensive program under Part D is being conducted to help colleges of education develop in-service activities as a systematic part of the state Comprehensive Personnel Plan. Development funding will be required to build capacity for inter-agency collaboration so that training addressed to specific needs identified by teachers can be offered in a way which will work. BEH may want to develop Dean's Grants addressed to help colleges increase their in-service mainstreaming capability.

Short of additional funding, however, a judicious use of a portion of Part B funds dedicated to in-service training which includes the development of formal relationships among the SEA, IHEs and LEAs can begin to more effectively address the current in-service needs of teachers. Although flexibility in the use of funds should be maintained, the allocation and use of Part B funds by the states for in-service training and the extent and participation of the various role groups should be monitored by the Program Administration Reviews called for by Section 616(a).

Some states have used portions of Part B funds to build formal collaborative relationships with the colleges of education: Arizona, Indiana, Rhode Island and Washington are examples of such states. The efficacy of these relationships and their impact on public schools and schools of education should be studied and disseminated.

There are 1,240 SCDEs located in approximately 72 percent of all four year colleges and universities in the country. The number of their graduates ranges from several dozen to more than a thousand annually. Many baccalaureate-level institutions are staffed by five or fewer education faculty members, while the largest doctoral-level institutions have education faculties of several hundred. Approximately 34,000 professors are employed in our teacher education programs across the country. They represent the potential for a powerful contribution to the challenges presented by 94.142. The laboratories of these institutions, the media and equipment, the instructional resources of their libraries, the administrative operations supporting training, research and dissemination missions can become quickly responsive to the teacher trianing needs implicit in the legislation.

The functions of training, research, program and product development and dissemination are the traditional responsibilities of our country's IHEs who funded privately or by their state legislatures are authorized to conduct such activities. Parallel agencies supported by federal funds should not be created to impede or supplant the response of those important institutions to the demands of our contemporary schools.

Schools, colleges, and departments of education represent a significant investment on the part of state, national and private interests. Today, that system is in jeopardy, and unless consideration is given to the potential contribution of that system, the response of our colleges of education to the mainstreaming movement may not be commensurate to the expectations of our Congress, parents and teachers.

I hope these remarks will be helpful to the committee as they study the implications of 94.142 for the system of teacher training in place in our country. Thank you.

IN RESPONSE TO SUBMITTED QUESTIONS FROM THE SUBCOMMITTEE ON THE HANDICAPPED

1. You have said that more than 100 projects are funded through BEH to help Colleges and universities revise preservice training programs consistent with 94-142 requirements. Are these Deans' Grants all targeted on special education preservice training programs?

   All of the Deans' Grants Projects are targeted on preservice training programs. BEH funds a separate category of projects for inservice education. Deans' Grants projects are primarily intended to assist regular educators at the preservice level to prepare them for their responsibilities in educating "mainstreamed " handicapped children.

2. In terms of inservice training of regular educators that needs to be done, what do you see as the primary objectives of such training programs?

   Regular educators need to be prepared to accept a new role in the education of handicapped children. They need to understand and be prepared to accept the main responsibility for the education of "mainstreamed" handicapped children in their classrooms. They need to know how to work with special educators who are increasingly seen as experts upon whom regular educators can call for assistance. Thus, regular educators will need consultation skills in order to function as part of a team of special educators, regular educators, parents, and others to design and implement individualized educational programs for handicapped children. They will need basic knowledge about their responsibilities under P.L. 94-142 and where to turn for assistance when it is needed. In addition to accepting a new role of prime responsibility for the child, and new skills in consultation, regular educators may also need inservice education to sharpen good teaching techniques, such as good classroom management that may be even more imperative with the presence of special learners.

   A number of competency lists for regular educators have been developed and published. Two of those in article form are attached.

3. Please identify the 23 states which involve the IHE community in the development of the CSPD.

Data is drawn from Statewide Cooperative Manpower Planning in Special Education: A Second Status Study by Schofer and Duncan.

State CSPD Committees which acknowledged the participation of IHEs in the formulation of that state's CSPD are located in the following states:

Alabama
Arizona
Arkansas
Colorado
Connecticut
Georgia
Idaho
Indiana
Kansas
Kentucky
Louisiana
Michigan
Minnesota
Mississippi
Nebraska
North Dakota
Ohio
Puerto Rico
Rhode Island
South Carolina
Tennessee
Texas
Virginia
Wisconsin

*Fay B. Haisley*
*Robert D. Gilberts*
*University of Oregon*

# Individual Competencies Needed To Implement P.L. 94-142

Many educators have viewed the requirements of P.L. 94-142 and the implied competencies necessary to teach children with learning problems, together with the requirements of due process, as some new conspiracy against them. We believe that good teachers have always used the essential teaching competencies required for successful implementation of P.L. 94-142 and that due process is one of the fundamental protections for a citizen in a free society. We further believe that the artificial gap between regular educators and special educators that has developed over the years, as reflected in past placement practices, must be closed and the skills of each fused, at least at the margins of teaching mildly handicapped children. Each can profit from a rapproachment almost as much as children currently in regular classrooms and those to be mainstreamed might.

**If P.L. 94-142 is to be implemented successfully, education personnel need to acquire certain basic knowledge and teaching skills—competencies good teachers have used for some time.**

## What Our Programs Should Provide

School district programs developed to implement P.L. 94-142 will depend in part on school size, level, and location, the strengths and weaknesses of personnel, and the existing program design at each school. Training personnel flexible enough to work in varied programs will require the integration of resources across the traditional, although artificial, barriers between regular and special educators.

A set of checklists has been developed to assist educators in planning programs to focus on the major areas of concern. Inclusion of the competencies listed in preservice and inservice training courses should ensure at least minimal personnel preparation as well as provide for program comparisons within or across teacher educator institutions. Federally funded "deans' grant" projects have, in large part, been developing programs to provide coursework.

### *Establishing a Knowledge Base*

Developing separate categories for *knowledge and skills* enables us to indicate more clearly the minimal competencies for personnel preparation. While some skills are related to teaching level, the knowledge base is needed by all school personnel. No hierarchy is implied, but this should be a second step, with ranking based on program goals and/or institutional philosophy.

### *Developing of Individual Skills*

The individual teaching skills to provide effective classroom environments and programs may be less easy to attain in a short time than the knowledge base. Some skill needs are common to all student age groups, while others are more appropriate for elementary or secondary settings.

## Due Process

Perhaps the area in which education personnel are least knowledgeable and skilled is the legal provisions established by P.L. 94-142.

### *Legal History*

Simply put, due process requires fairness in dealing with a citizen's right to protest before governments. Although in principle this has always been a citizen right in our democracy, in practice it has been shortchanged. The constitutional basis for due process rights rests in the Constitution's Fifth and Fourteenth Amendments.

The meaning of due process has evolved through litigation in the courts largely begun in the early 1940s. The pace of judicial delineation has quickened in recent years. Space does not allow for an extensive review; Kotin and Eager (1977) provide a rather succinct summary.

As the courts have made the requirements of due process more explicit by finding in favor of plaintiffs in suits involving citizens vs. government, federal and state legislatures have enacted laws, and administrative rules and regulations at various levels of government have been written, that also impose due process requirements.

### *Philosophical Underpinnings*

Aside from the developing realities growing from court decisions and legislative requirements, educators have a moral obligation to treat each child as a unique and important being. There is no line determined by race, sex, or physical or intellectual state that should be used as a basis for ignoring the application of judicious consideration in making decisions that could indelibly mark a person. It is only right that those who have a primary interest, such as the child and the parent, participate with professionals in a process that is

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CHECKLIST I—KNOWLEDGE BASE

| What teachers need to know about P.L. 94-142 | What level of competence do you expect of your trainees? | | |
|---|---|---|---|
| | Can identify source | Can define | Can elaborate |
| 1. Knowledge of laws regarding the handicapped. | | | |
| 2. Knowledge of handicapping conditions. | | | |
| 3. Knowledge of P.L. 94-142—terminology and definitions (e.g., "least restrictive environment," "free appropriate public education"). | | | |
| 4. Understanding of appropriate instructional settings for the handicapped. | | | |
| 5. Knowledge of child evaluation procedures. | | | |
| 6. Knowledge of procedural safeguards. | | | |
| 7. Knowledge of IEP (individualized education program) development and implementation. | | | |
| 8. Knowledge of state and local guidelines for implementation of 94-142. | | | |
| 9. Knowledge of least restrictive placement possibilities. | | | |
| 10. Knowledge about related services and their availability. | | | |

far from objective and not based on some proven formulation calculated with absolute factors. The recognition of the supreme worth and dignity of the individual consistent with the general welfa.e and the common good is the cornerstone of our democratic system. The "inalienable" rights of life, liberty, and the pursuit of happiness are the essence of our legal system. This does not imply that educators or children are to be placed in inappropriate positions—only that all parties must be fully informed of potentials as well as limitations of both the child and the educational system and that all significant factors must be considered before a final decision is reached.

*What Education Personnel Should Know*

Some aspects of due process are of special interest to education personnel:

1. Parents must be notified in writing that their child has been referred for evaluation and is under consideration for educational placement, or that their request for evaluation has been denied.

2. After a diagnostic process has been completed and a considered course of action proposed, parents must be informed of that decision in writing. (During this process, parent and student involvement in planning and decision making is essential.)

3. Final placement decisions must be provided, in writing, to the parents; they should also be given information on their "due process rights," should they wish to contest the decision at a formal hearing.

4. Most states allow parents to have the child evaluated by an independent agent at the agency's expense if a mutually acceptable evaluator can be identified prior to the initial hearing.

5. Any required hearing is usually held at the local agency level and presided over by an impartial designee of that agency.

6. Most systems allow parents legal representation at such hearings. Prior to the hearing, full access must be provided to relevant school records. Additional evidence can be presented at a hearing, and persons involved in the original decision can be compelled to attend, to be confronted, and be cross examined.

7. Usually an appeal of the final decision to the state educational agency is provided for.

Special education provisions in virtually all states have due process regulations which bind state plans submitted under the Education of All Handicapped Children Act. State guidelines or regulations to implement these requirements are in various stages of development.

**Aside from the legal requirements of due process, educators have a moral obligation to treat each child as a unique and important being.**

*Skills Educators Should Develop*

Education personnel should be able to:

1. Articulate information related to recent court decisions and their implications.

BEST [illegible] COPY

## CHECKLIST II—INDIVIDUAL SKILLS

| Skills required by elementary and secondary personnel | Does your program include opportunities for personnel to reach competence? | | |
|---|---|---|---|
| | No | Somewhat | Yes |
| The ability to: | | | |
| 1. Use resource room materials and staff. | | | |
| 2. Use peer tutoring, teacher aides, and volunteers. | | | |
| 3. Use diagnostic and prescriptive techniques. | | | |
| 4. Participate in, design, and implement IEPs. | | | |
| 5. Communicate with peers, parents, and pupils. | | | |
| 6. Monitor individual student progress. | | | |
| 7. Gather and interpret data about student performance. | | | |
| 8. Select appropriate curricular materials. | | | |
| 9. Adapt available curriculum. | | | |
| 10. Provide small group instruction based on identified student needs. | | | |
| **Additional skills for elementary educators** | | | |
| The ability to provide: | | | |
| 1. Early identification of student needs. | | | |
| 2. Individualized direct instruction techniques. | | | |
| 3. Effective organization of the classroom for instruction. | | | |
| 4. Effective assessment of student strengths and weaknesses. | | | |
| 5. Effective classroom management skills. | | | |
| **Additional skills for secondary educators** | | | |
| The ability to: | | | |
| 1. Teach the underachieving student. | | | |
| 2. Use peer tutoring procedures. | | | |
| 3. Modify strategies to reach content area goals in the areas of materials, expectations, instruction, and student performance levels. | | | |
| 4. Participate in team approaches to instruction. | | | |
| 5. Use effective questioning strategies. | | | |
| 6. Assess student modes of response. | | | |
| **Additional skills related to IEPs** | | | |
| Teachers should be able and expected to: | | | |
| 1. Screen: Identify students with possible problems. | | | |
| 2. Refer: Identify students who may need special support services. | | | |
| 3. Comply with the law requiring nondiscriminatory testing and parent permission for individual evaluation. | | | |
| 4. Compile information related to students' educational, emotional, and physical functioning. | | | |
| 5. Ensure that due process procedures have been met in determining child's eligibility for special services. | | | |
| 6. Meet with parents to share assessment and evaluation data. | | | |
| 7. Participate as a team member in the development of IEPs. | | | |
| 8. Provide goals, objectives, and minimal competence criteria appropriate to a child's needs. | | | |
| 9. Implement the IEP developed by the school team for students in the classroom. | | | |
| 10. Monitor student progress to ensure that goals and objectives are appropriate and being carried out and that progress is evident. | | | |

2. Prepare placement recommendations and ogram justifications adequately supported by cumentation in a complete but concise and logi- l manner.

3. Develop skills in the use of procedures cessary to conduct a contested case hearing in appropriate manner.

4. Maintain a professional posture as an pert witness in circumstances that may be reatening.

5. Accept an external review process with od grace. This ability comes from an under- anding of the philosophy behind the requirement nd a sense of security in the process.

In evaluating trends in due process require- ents as they are developing in various states, it is ppropriate that educators view these require- ents as positive and constructive steps in a seri- us decision-making process rather than an adver- arial proceeding. Accepting this concept will not e easy; all too often such proceedings are viewed s personal attacks. As attorneys do in court pro- edings, educators must come to accept due proc- s as an important part of a problem-solving sys- em. Having said that, it also behooves educators, n the interest of community harmony and conservation of time and financial resources, to learn ow to plan and implement decisions in such a way to avoid the heed to use the full range of due process requirements. Basically, this involves competent professional data gathering and analysis and good communications with students and parents in the initial stages of the decision-making process. When this is not possible, due process can be used to resolve remaining issues.

## Implications for Teacher Education

We have attempted to list the competencies school personnel need if P.L. 94-142 is to be implemented in a positive and realistic manner.

Inservice workshops and coursework for educators already in the school system have mushroomed throughout the country, and many teachers have taken the opportunity to update their knowledge and skills. It appears that the movement toward increased knowledge and skills *about* P.L. 94-142 and its implications for regular teachers at preservice institutions is lagging behind.

One reason could be that those of us who teach teachers are not on the "firing line"—and change in an institutional setting may be more conservative and slow. Yet, P.L. 94-142 probably will provide the most challenging changes in history for educators and for children.

A first step toward change should be inservice training for college faculty so that they too are knowledgeable about P.L. 94-142 and its implications for changing organizational patterns in local schools. A second step should be toward integrating the knowledge and skills of regular and special educators so that they are better prepared to teach preservice students. Third, and finally, we teacher educators should become involved with school programs and the children in our schools for whom the law was intended. As one of our students recently wrote, "Mainstreaming—one helluva lot of work for us teachers, but it sounds like a darn good deal for kids." It can be.

**As one student in teacher education remarked: "Mainstreaming—one helluva lot of work for us teachers . . . but a darn good deal for kids."**

### Reference

Kotin, L., & Eager, N. B. *Due process in special education: A legal analysis.* Cambridge, Mass.: Research Institute for Educational Problems, 1977.

# Competencies for Mainstream Teachers: An Analysis

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ABSTRACT. *A nationwide search for teacher competencies in mainstreaming handicapped pupils was conducted to assist the Deans' Grants Projects in curriculum development. Lists of such competencies were requested from all projects that were developing pre-service programs for regular classroom teachers. The listings and a thorough review of the literature yielded 13 categories. An analysis was conducted to determine the relation of each competency area to the mainstream classroom experience.*

## Project Activities

In June 1975, the College of Education, Michigan State University, received a three-year Dean's Grant to plan, develop, and implement a program to prepare pre-service teachers to provide educational services to handicapped pupils in the curricular areas of Vocational Training, Industrial Arts, Health, and Physical Education and Recreation. The project consisted of three phases: (a) Year one was devoted to planning to determine how pre-service programs could be modified, what modifications were necessary, and the manner in which these modifications could best be made. (b) During year two, necessary curriculum materials and course outlines were developed. (c) The focus of year three was the implementation of all the materials and courses previously developed.

During the first year of the Dean's Grant Project, it was determined that the methods and materials developed should not be limited solely to curricular areas identified in the original proposal. Thus, the project goal was extended to include the development of programs appropriate to all teacher-education pre-service curricular areas.

A rationale was developed that covered nine areas of teacher competencies which were important for all educational personnel teaching in mainstream classrooms. Further, a statewide assessment of the extent of mainstreaming was conducted. The assessment indicated that large numbers of students with special needs were being placed in mainstream settings although few teachers were adequately prepared to work with them.

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The nine competency areas are (a) the nature of mainstreaming; (b) the nature of handicaps; (c) attitudes; (d) resource and support systems; (e) learning styles; (f) teaching strategies and methodology; (g) curricular and spatial modification; (h) communications; and (i) evaluation. The competencies included some that are normally incorporated into most teacher-preparation programs. These competencies were retained to emphasize the specific skills needed by teachers who are prepared to teach nonhandicapped as well as handicapped students.

## DATA COLLECTION

Throughout the planning year, project staff continued the search for a comprehensive listing of competencies that teacher-education institutions could use as a guide in developing programs for their Deans' Grants Projects. After the review of the literature, it was concluded that although mainstreaming is not a new concept, little had been done to identify the specific competencies needed by regular classroom teachers to provide educational services to handicapped as well as nonhandicapped students.

Two publications were helpful. Haberman (1974) evaluated the 1972 graduates of the School of Education, University of Wisconsin, to assess the competencies which the teachers thought were necessary for adequate job performance. The survey also attempted to assess the competencies that were not adequately covered in the current teacher-education program at the institution. The findings indicate that the teachers felt that they were prepared, at least to some degree, in methods of dealing with emotionally disturbed, learning disabled, and mildly retarded pupils, but that they were not prepared to diagnose specific learning disabilities, although the skill was an important one for teachers working in mainstream settings. Goldman and Masla (1976), co-directors of the project, "Mainstreaming Preparation for Regular Educational Personnel," at Ohio University, identified a set of competencies and objectives needed by regular classroom teachers to effectively accommodate exceptional children in the regular classroom. The goal of the Ohio project was to develop a competency-based teacher-education program to provide personalized preparation in mainstreaming exceptional pupils for trainees in regular education. The emphasis of the competencies that were identified include (a) orientation of regular education personnel to mainstream placements of exceptional children; (b) introduction to exceptional children; (c) human relations; (d) classroom management in the accommodative classroom; (e) curriculum and instructional materials for the accommodative classroom; (f) diagnosis and evaluation methods for the accommodative classroom teacher; and (g) diagnostic-prescriptive teaching for the accommodative classroom teacher.

In order to further the work in competency identification, the Dean's Grant Project at Michigan State University undertook a nationwide search for competencies. With the assistance of the National Support Systems Project, University of Minnesota, a letter was sent to all Deans' Grants project directors identifying the intent of the search and stressing the usefulness of a comprehensive competency listing. The response was excellent; all but five projects responded. Because of the diversity of the Deans' Grants Projects, not all were involved in the development of programs in all areas of pre-service teacher education. Rather, many were specific in nature, focusing on a limited number of curricular areas. From the responses, 13 competency listings were identified as applicable across all curricular areas within pre-service programs in mainstream education. These listings formed the data bank for the remainder of this investigation. The listings were submitted in various forms, from raw survey data to completely stated competencies.

Upon receipt of the competencies, the initial task was to conduct a content analysis to identify potential groupings. Thirteen major categories were identified: (a) the nature of mainstreaming, (b) the nature of handicapped pupils, (c) attitudes, (d) resources, (e) teaching techniques, (f) learning environments, (g) learning styles, (h) classroom management, (i) curriculum, (j) communication, (k) assessing student needs, (l) evaluating student progress, and (m) administration. Once the major categories were identified, the tedious chore of grouping individual teacher competencies within each category was undertaken. When duplications were found among competency listings, the competencies were rewritten to keep the major intent and to reduce overlap. In most cases, the format, as written by the initial author, was retained to insure that the original intent of the competency was not modified or lost through a rewriting process.

## Analysis

To analyze the teacher-education competencies needed by mainstream teachers, it is necessary to identify not only the competency but, also, the rationale for it. What follows is an analysis of the content and rationale for each of the 13 categories of teacher competencies identified by the Deans' Grants Projects. It is evident from the analysis that the various categories are not mutually exclusive. Interrelations exist among competencies within categories; for example, competencies relating to curriculum are found under more than one category, such as resources and curriculum.

### THE NATURE OF MAINSTREAMING

The teacher competencies identified under the heading, "the nature of mainstreaming," include (a) defining the concept of mainstreaming,

(b) developing a philosophy for mainstreaming, (c) developing a rationale for mainstreaming, (d) obtaining knowledge of mainstream legislation, and (e) describing and identifying delivery system models. Although much has been written about mainstreaming, the concept tends to be confusing to most classroom teachers.

Most of the confusion relates to determining what mainstreaming is and what it is not. Currently, teachers are mystified by the fact that there is no one universally accepted definition of the concept. The definition varies from the extreme of eliminating separate special education classrooms altogether, thus placing all handicapped pupils, including those who are severely multiply handicapped, into regular classrooms, to mainstreaming on an individual basis, that is, placing students in the regular education classroom for only a portion of the day and keeping them in special education classrooms or separate buildings the rest of the time. Whatever the definition and philosophy of mainstreaming held in a particular state or region, the classroom teacher working in a mainstream classroom with handicapped children must have guidelines to follow.

Regular classroom teachers and special education teachers tend to be at a loss when they are asked to give the rationale for mainstreaming and to describe the benefits derived from the regular classroom placement of 296 handicapped students. Classroom teachers receive much information about mainstreaming through professional publications and state education agency newsletters. However, complicated information of this nature, stressing philosophy and law, needs to be interpreted for teachers, with the emphasis on explaining the "why."

Teachers need to know how mainstreaming came about, why it occurred at this particular time, the research that has been conducted, and the impact of mainstreaming on handicapped and nonhandicapped classroom students. Moreover, classroom teachers may find it useful to conduct their own research to support their classroom efforts. In order to conduct reliable research, they may need to identify research and evaluation consultants or other such support personnel within their school districts.

Teachers need to know the legal basis, that is, the laws (federal and state) that are applicable to their specific disciplines and to mainstreaming in general. The knowledge of state and federal legislation allows teachers to identify their responsibilities and obligations to handicapped students. This knowledge can alleviate some fears, including the fear that a handicapped student may cause bodily harm to himself/herself or to other students.

In order for regular classroom teachers to provide adequate educational services to handicapped pupils, they must know what resources and assistance are available to them. Among the delivery system models that classroom teachers need a working knowledge of, are (a) the resource teacher model, (b) diagnostic-prescriptive teacher model, (c) consulting teacher model, and (d) teaching-by-objective model. Within the content of mainstreaming it is important for teachers to understand the extent to which they can rely on specific kinds of supportive assistance from consulting teachers, itinerant teachers, and special education teachers within their home schools.

## THE NATURE OF HANDICAPS

In addition to the fact that many classroom teachers do not have full knowledge of the meaning of mainstreaming handicapped pupils or of their rights and responsibilities to handicapped and nonhandicapped students, a general fear of handicapped students exists among them because they are unaware of the types and capabilities of handicapped students. Therefore, it is imperative that classroom teachers in mainstream settings have a thorough knowledge of the cognitive, affective, and psychomotor characteristics of the handicapped students with whom they must interact. Since mainstreaming focuses on those special education students who can benefit from regular classroom placement, teachers need knowledge of the causes of various impairments (mental retardation, emotional disturbance, learning disabilities, sensory impairment, and speech and language impairment), and of the extent to which an impairment limits a handicapped student within the regular classroom setting. Emphasis should be placed, however, on the positive abilities of handicapped students in relation to the physical environment, intellectual environment, and social values system in the public schools. The extent to which a handicapped child is mainstreamed depends largely on the limitations imposed by his/her handicap. As part of awareness training, all teachers should have knowledge of the limiting factors of specific handicaps and of ways to plan individual educational programs for handicapped students so such students can participate more meaningfully in the regular classroom.

## ATTITUDES

In order for regular classroom teachers to adequately deal with attitudes in the classroom, they first must have knowledge of existing attitudes among handicapped and nonhandicapped students, their parents, and teachers and administrators within the school system. Information of this nature can be obtained by the teacher through formal and informal evaluation. Once the attitudes have been identified, it is then imperative that the teacher learn how to cope with adverse attitudes and how to modify attitudes when necessary — for example, to create a positive learning environment. Research has shown that attitudes are created by knowledge or the lack thereof; the more knowledge a person has about a subject the stronger is his attitude toward it. Therefore, the more information provided to students, parents, and staff about handicapped children, the more likely it is that a strong positive attitude will emerge.

Teachers need to understand the effects of expectations and stereotyping on students' responses, learning, and relationships. Knowledge of the negative effects of labeling or classifying persons by handicap may help to reduce the identification of individuals by some physical or mental capability or limitation. To counteract labeling, the teacher must develop warm, interpersonal relationships and demonstrate an openness with all students. The ability to assist handicapped students in the mainstream, to overcome feelings of inadequacy, fear of failure, frustration, and hostility, is one of the main challenges to any classroom teacher.

## RESOURCE AND SUPPORT SYSTEMS

To be effective in working with handicapped and nonhandicapped students, all teachers should have a clear understanding of the available resource and support systems to assist them in their activities. Teachers should be knowledgeable about the duties and responsibilities of various human resource and support systems, including paraprofessionals, resource room teachers, special education teachers, special education consultants, special education supervisors, social workers, school psychologists, school counselors, school nurses, vocational rehabilitation counselors, speech therapists, physical therapists, occupational therapists, parent organizations, community organizations, and organizations of handicapped persons. The support provided by these individuals or organizations can assist the regular classroom teacher to deal with the particular problems of an individual student or with the class as a whole.

The classroom teacher also must be knowledgeable about various nonhuman resources and support systems, including the use of student records. Studies have shown that teachers do not use student academic files to the extent that they should, in many cases because of a limited knowledge of the file contents. These files contain academic records as well as reports from various organizations and individuals, such as, physicians, psychologists, and school counselors.

Most classroom teachers, through their teacher-preparation programs, are prepared to use other resources, such as audio-visual equipment, but normally, on a limited scale. However, many newly developed instructional packages for handicapped students are based on an individualized model with heavy reliance on audio-visual equipment. The implementation of mainstreaming will increase the availability of these curriculum materials to teachers. In addition, teachers need an awareness of the various sources of information on curriculum materials in the classroom. In some cases, acquiring this knowledge entails reading special education journals as well as education journals in their own disciplines. To insure that regular classroom teachers remain up-to-date on activities and knowledge pertaining to mainstreaming resources, they should attend workshops and conferences which are designed to provide them with such information.

Since the laws provide that teachers develop individualized educational plans for handicapped students, all teachers involved in mainstreaming should be aware of the process of individualizing curricula. The teacher's responsibility includes participation in the schoolwide planning for mainstreaming with parents, volunteers, and school staff.

## TEACHING TECHNIQUES

In most mainstream environments the regular classroom teacher is required to conduct group as well as individualized activities. To accomplish them, teachers should be able to identify a student's academic deficiencies and plan a suitable individualized program to help to remediate them. Although most programing is individualized, all learning tasks should be identified to allow each student in a group to accomplish a similar goal. Handicapped students should not be identified or singled out for their inability to accomplish a goal that regular class students achieve; consequently, considerable planning is necessary for teachers. As part of this planning, teachers should be knowledgeable about organizing learning centers that allow students to choose instructional activities and strategies that best suit their particular learning styles. All teachers should be familiar with and have the ability to use professional resources to gain current information about instructional techniques and methods which have proven to be effective in mainstream environments. One method of instruction that appears to offer a unique potential for learning is peer pairing. It facilitates the imitation of appropriate behavior. This method may involve cross-age or cross-grade grouping. Above all, in a mainstream environment, teachers must be flexible. They must be capable of modifying their teaching strategies and substituting curriculum materials when other methods and materials are found to be ineffective.

## LEARNING ENVIRONMENT

Teachers who provide educational services to handicapped students in the traditional classroom setting must pay particular attention to the physical characteristics of their classrooms. Some students will have physical limitations that restrict movement in a crowded classroom, for example, reaching high shelves. In these cases, the classroom teacher must be responsible for making physical changes in the room that allow all students free mobility. The changes may mean removing high shelves and providing space at a lower level for instructional materials, or rearranging desks to provide wider aisles. The classroom teacher must be aware of the federal and state barrier-free legislation that mandates the removal of physical barriers that inhibit persons from free movement into and through buildings. When teachers do not have the authority to make essential physical modifications in the classroom, they must know whom to call or petition for such changes.

## LEARNING STYLE

The regular classroom teacher in a mainstream setting will encounter students, both handicapped and nonhandicapped, who have different learning styles. The teacher must be knowledgeable about these styles in order to provide an environment in which students can learn by the methodologies that suit them best. Teachers who do not have prior knowledge of the individual learning styles of their students will find it necessary to become acquainted with assessment techniques that are used to determine learning styles. Cognitive Style Mapping has been suggested as one appropriate assessment for use by all teachers.

## CLASSROOM MANAGEMENT

Teachers must have the ability to organize classrooms for instructional purposes and to manage them effectively to meet the needs of their students. Organization includes developing a flexible time schedule that
300 allows for the intellectual, physical, and social needs of all students. Since, in most mainstream classrooms, there will be both group and individual learning activities, teachers must know methods of managing both. In addition, teachers must be knowledgeable about modeling a specific behavior and then assessing the student's ability to imitate that model.

Because one of the main themes of the mainstream environment is to provide for social and intellectual interactions among students, teachers must be able to help the exceptional student to become an integral part of the classroom operation. The handicapped student should not be identified as a token or as one who should receive special help but, rather, as an active member of the classroom. Mainstream students should participate, in some way, in all leadership activities and responsibilities in which other students are involved.

## CURRICULUM

In addition to utilizing traditional curriculum materials within a mainstream classroom, the teacher will need to select specific materials that enable the handicapped student to participate as an active member in the classroom. Classroom teachers must become knowledgeable about new curriculum materials and they must be able to develop a rationale for accepting or rejecting such materials.

The classroom teacher must be capable of developing an individualized educational plan for each handicapped student. Part of the individualized student plan will be specific performance objectives which can be measured. Thus, the teacher will find it necessary to write terminal and enabling objectives as well as to identify evaluation methodology relevant to the performance objectives. Before an individualized plan is written for a specific student, the teacher must consult with the student's parents and with professional colleagues, including special educators, counselors, and the student's previous teachers. Only after this information is obtained can a teacher determine, for a specific student, individual goals that are appropriate, realistic, and measurable. When the student's individual educational plan has been implemented, the teacher will need to re-examine, verify, and modify educational goals that are found to be unrealistic. In some cases, an individual student's educational plan will call for specific curriculum materials which are not commercially available. It thus becomes necessary for the regular classroom teacher to be able to modify or develop new curriculum materials to meet the student's specific needs.

## COMMUNICATION

The communication in a mainstream classroom is of utmost importance. Teachers must be capable of expressing themselves verbally and nonverbally to all students. They must be able to modify their communication techniques according to the types of handicapped students in their classrooms. As part of the communication in the classroom, the teacher must be able to demonstrate empathy rather than neutrality, and equality rather than superiority. Before teachers can communicate effectively within the classroom, they first must analyze their individual communication techniques and styles. When this self-evaluation is accomplished, they can more easily modify their communication styles to meet the desired goals. Teachers also must be effective in communicating with the parents of handicapped children. In some cases, communications between parent and teacher must be held in confidence and not discussed in the classroom. The teacher working in a mainstream classroom also must be able to communicate effectively in public. Ultimately, it is the classroom teacher who will have first-hand information on whether mainstream placements benefit handicapped and nonhandicapped students. Teachers may be called upon to make presentations to local community groups and, in such cases, they must be able to relay the issues, problems, and needs of mainstream education to public audiences through oral as well as written communications.

## ASSESSING STUDENT NEEDS

A teacher in a mainstream classroom must have the ability to assess the academic and personal needs of handicapped and nonhandicapped students. To do so, the teacher must employ both formal and informal assessment techniques in an ongoing program. Teachers must understand the advantages and disadvantages of their assessments as compared to those conducted by trained clinicians. Teacher-developed tests, in some cases, are less reliable and less valid than the standardized tests administered by a trained evaluator. However, one advantage of teacher-made tests is that they can be designed to measure specific outcomes. Before teachers undertake the development of tests, they should be aware of their role in the assessment processes within their schools. The most important kind of assessment tool that classroom teachers can use is direct observation. They have the closest interaction with individual students in the school setting and, thus, can make informal observations of students' academic achievements and social growth. In addition, they should be able to make a diagnostic report on a student's achievement. In assessing student needs, teachers must take into consideration the special education training that the handicapped student received prior to enrollment in the mainstream classroom and the fact that many handicapped students have not had the same social preparation as have nonhandicapped students.

The regular classroom teacher will find it necessary to become familiar with the standardized tests designed primarily for handicapped students. These tests may be administered on an individualized basis: a specific test for handicapped students and another for nonhandicapped students. Emphasis, however, should not be placed on the two different tests that are used but, rather, on the fact that the information gained from the tests permits the determination of individual student needs. In administering assessment instruments, the classroom teacher may find it advisable to seek prior training from a qualified test administrator to insure that the proper administrative procedures are followed. Upon completion of the assessment, the teacher must have the skills to effectively interpret and relate test information to instructional goals.

## EVALUATING STUDENT PROGRESS

In order to evaluate the progress of the handicapped as well as nonhandicapped student, teachers need to know and understand the differences between criterion-referenced evaluation and norm-referenced evaluation, and they must be able to develop both types of instruments specifically for their classroom goals. In order for the classroom teacher to assess whether the students are progressing at the rate and level desired, evaluations must be made on a regular basis. In most cases, such evaluation means determining the type of assessment that is necessary to measure whether students have met the performance objectives stated in their individualized educational plans. Teachers may use standardized instruments, develop instruments of their own, or modify standardized instruments. In all cases, it is advisable for the regular classroom teacher to seek assistance in identifying and modifying instruments for the handicapped student. Moreover, the regular classroom teacher should be able to understand and interpret the scores obtained by students on any assessment measure that is used.

### ADMINISTRATION

It will be up to the classroom teacher to advise administrators on needed classroom equipment, supplies, and materials. Teachers should be able to develop a working relation with the administrators of the school in which they are teaching. They will need to work with other teachers, counselors, special education teachers and, in many cases, parents, to develop long-range plans for providing services and space necessary to educate handicapped as well as nonhandicapped students. Teachers will be required to compare and contrast various administrative models, such as, itinerant services, resource rooms, and special classes. Teachers will be required to serve as advisors to the administrative staff, not only on the various service delivery models but, also, in some cases, on the method and basis for school financing of mainstream classrooms. It will be the classroom teacher who must negotiate with other school staff for the placement and grouping of mainstream students in regular classrooms. Therefore, a working relation must be developed among mainstream classroom teachers and with other teachers. In order to facilitate this relation, the mainstream classroom teacher must be able to prepare an orientation program for regular and special education teachers within the home school. Such an orientation program should include an explanation of the advantages and disadvantages of mainstreaming, as well as long-range plans for providing educational services to handicapped students. Under some circumstances, the regular teacher in the mainstream classroom may be requested to develop special classes, when appropriate, to facilitate the gradual movement of students into regular classrooms. In developing such classes, the regular classroom teacher will need the assistance of the administrative staff, counselors, and other regular classroom teachers, as well as of the parents of both handicapped and nonhandicapped students.

## Summary

Many institutions of higher education are currently embarking on the development of programs to prepare all teachers to educate handicapped as well as nonhandicapped students in their classrooms. Such an endeavor has been the major thrust of the Deans' Grants Projects.

In order to develop effective teacher-preparation programs, teacher educators must have a thorough understanding of the competencies needed by mainstream classroom teachers. The study described here was undertaken to facilitate this understanding. After a thorough search of the literature, it was determined that no comprehensive listings of competencies were available. Therefore, the staff of the Dean's Grant Project at Michigan State University undertook a nationwide search for mainstream competencies. The result was 13 competency listings that had applicability for all pre-service teacher-preparation programs.

A content analysis of these lists yielded 13 categories of competencies which are described in this chapter. Many of the competencies appear to be taught currently in teacher-preparation programs. The rationale for including such competencies in this listing is to stress their relation to mainstream competencies. An adequate pre-service program for teachers who will work in mainstream classrooms must include a sound teacher-education program as well as specific mainstream competencies.

## References

Goldman, S., & Masla, J. *Mainstreaming preparation for regular education personnel.* Ohio University, 1976.

Haberman, M. *What teachers wish they were taught: A follow-up study of the graduates of the School of Education.* University of Wisconsin, 1974.

Senator **Randolph**. We want to have a very close rapport in these beginning years of implementation, and we hope you will keep in touch with us. This will help us to know what is happening.

The oversight hearings are held to try to achieve rapport, that give and take, that help that you can give us regarding this law. We would like you to keep is touch with us.

I know that Pat here, our staff director, all of us, would want you to write about some experiences that you think are taking place that can assist us here.

I know we still have a long way to go in this situation. You see, I talk with many people about the law. Some of them are very happy with it and some are not so happy. I think it's a matter of continuing to talk with them and work with them. I think it is through a lack of understanding, that some don't believe there is a very large number of people who are affected.

I did want to say, when you were speaking, Dr. Bates, coming from Ann Arbor, that Senator Riegle—and in this instance I speak of him and not failing to speak of Senator Levin—is a member of our Subcommittee on the Handicapped and intensely interested. He has said he is unable to attend today's hearing, that he is tied up with legislation on how and when to assist the Chrysler Corp. to continue in business.

He did want to extend his best wishes to you, Percy, and he has indicated he would want to have information forwarded to him that might be helpful as he discusses these matters here in the committee.

Dr. **Bates**. Thank you very much.

Senator **Randolph**. We are appreciative of your coming.

We will draw upon you, through the questions we will ask, for further detailed information.

Thank you, Deans, the three of you.

We next have Ms. Katherine Schomp, member of the Denver School Board, and Dr. Joseph Hannon. Would you please come forward. We are going to try to move rather quickly, and I won't make too much comment.

Would you introduce yourself and give us your statement, so we might know exactly who you are.

## STATEMENT OF KATHERINE SCHOMP, MEMBER, DENVER SCHOOL BOARD, DENVER, COLO.

Ms. **Schomp**. I am Katherine Schomp. I am a member of the board of education in Denver, Colo.

Do you want me to go ahead and make my statement now?

Senator **Randolph**. Oh, yes. But sometimes you may want to add a word or two, you know——

Ms. **Schomp**. Fine. I will not read my statement; you have all of it. I will try to make some comments as I go along.

Senator **Randolph**. Yes. If you will summarize your statement, that will be helpful.

Ms. **Schomp**. My reason——

Senator **Randolph**. How long have you been in this work?

Ms. **Schomp**. A good many years. I have been a member of the board of education for 7 years, almost. The reason I am here instead of some other member is that I happen to be the head of the board of education's subcommittee on education for the handicapped.

Senator **Randolph**. That's good.

Ms. **Schomp**. I have quite direct contact with a lot of people who have a very deep interest in this, and I have it every day directly with those people.

My other involvement has been that I have been a member of the board which was set up by the State for the distribution of funds for programs for the severely retarded in our community.

In Denver, imperfect as it has been, we have had since 1912 programs for the handicapped. My first impression of what was going on in Denver was when I sat in a board of education meeting, at which they took the tremendously innovative step of providing $300 per child for the education of a child who was seriously handicapped. That was in the midsixties. So you see we have come a good distance since then.

That is one reason why I come to make this statement, as a hopeful statement rather than as a nonhopeful statement.

In 1973 the State of Colorado passed some very far-reaching legislation requiring all school districts to develop programs for the handicapped children. They did what seems to be a common thing. They promised the school districts that they would fund those programs, fund the extra expenses of those programs, at 80 percent. We have been funded at 47 percent ever since the legislation passed. So those school districts which had put programs in and which had been magnets, so to speak, for handicapped children, took an increasing burden when the funding failed to materialize.

When Public Law 94-142 was passed, the Denver School District immediately moved into implementation of the bill, and immediately attempted to put into effect the least restrictive environment phase of it, and moved their programs even for the severely handicapped into regular schools. We now have programs in four elementary schools, three junior high schools, and four high schools for the severely retarded.

I have put forth for you some of our expenses, and as you have seen, I say that the unfunded balance in 1977-78 was $859,505.14. That money came out of our regular programs for the other children, out of the money which we would have spent. For example, our——

Senator RANDOLPH. And there comes trouble, then; is that right?

Ms. SCHOMP. Pardon me?

Senator RANDOLPH. Then trouble arises.

Ms. SCHOMP. Yes. Because I notice we have had a lot of mention of attitudes, and those attitudes are affected by having programs cut in other areas. They are negative to begin with. A lot of education of the public is required, and a lot of education of school personnel, and that kind of denial of some of their needs is not conducive to helping in this area.

I have put forth for you some of our most—12 concerns. But out of those I chose three which I considered to be the most pressing as far as our district is concerned.

Senator RANDOLPH. Is excessive paperwork one of them?

Ms. SCHOMP. No; 1 of the 12 is excessive paperwork, indeed it is. And included in that, of course, is the overlapping paperwork which goes on, because we have the State paperwork, the Federal paperwork, and then, as you know, local bureaucracies are probably just as bad if not worse than all the other bureaucracies. So when you combine those three bureaucracies, the paperwork is tremendous.

For example, one of the real problems with the psychologists has been that they have been unable to do the work for which they are fitting best because of the paperwork load, and because we have not been able to supply clerical help to take care of their paperwork load. It's an ever-present problem which has to be cut through.

But our three most pressing concerns are the heavy demands which we are experiencing in our child-find and in our evaluation procedures. This has made it very difficult both in the regular school programs and in the personnel which are involved in doing the evaluation—in parochial schools and in private schools.

We are still having problems in this respect.

The other problems which go hand in hand with that are the privacy laws which make it difficult to do our evaluation procedures, and the tendency to be parent advocates rather than child advocates, which we find is a real problem.

The tendency is to listen to what the parents think should happen with their children, and that's true, there should be that to some extent. But the advocacy is not always for the child and what is best for the child.

The other really pressing problem in our school district is the lack of interagency agreements, particularly in the case of children with multiple handicaps. As I am sure you are aware, some children with severe handicaps quite frequently have multiple handicaps.

We still have not worked out methods of giving these children the kinds of services they need in a setting where it doesn't have to be fragmented. The least restrictive environment is a fine concept and one which I support heartily. But if you have a least restrictive environment and you don't have the services that are necessary to make that effective, then it's a step backward rather than a step forward.

We have, as a result of this, had a great deal of threatened litigation and some litigation that is going on right now. Each one of the due process cases that we are dealing with, we have figured out costs us $3,000 at the minimum for each one of those cases.

The final thing which I consider of great importance is the absolute necessity for early intervention; the amount of money which we now spend on early training of children with handicaps of any kind will come back to us, to society, and to school systems many times when a child reaches school age or adult, becomes an adult. Apparently this is something which has to be reiterated constantly, both at the local level and State legislative level, and at the national level.

In Colorado we provide minimal programs for infant stimulation and preschool. Consequently, we do not receive the incentive, the Federal incentives for early intervention. This isn't meant to be a negative statement, because I think this is a positive thing.

I think that you and the Congress did a wise and compassionate act when you passed Public Law 94-142. But compassion doesn't do it, and if you promise us support which isn't given, we have what I consider to be an immoral situation. I don't think that was your intention, I really don't.

I thank you for allowing me to come and talk to you about this.

Senator RANDOLPH. We want you to do what you're doing, indeed we do. You used the word almost a farce, didn't you?

Ms. SCHOMP. Yes.

Senator RANDOLPH. That might be a strong word——

Ms. SCHOMP. You see, I deal every day with the parents of the children who saw to it that this legislation was passed, who worked for many years. Their expectations are very high. I don't think their expectations should be false ones.

Senator RANDOLPH. You're not discouraged to the point that you feel, let's say in Denver, the district there, that you're going to have to give up on this program?

Ms. SCHOMP. Oh, my goodness, no, I certainly am not. I don't think that—I do think that we have a great deal of backlash which you get with any civil rights—I consider this to be a civil rights issue, really. You get backlash from people who have not even been aware that these rights were being violated when you start trying to do something about it.

Senator RANDOLPH. I understand that very, very well. I have been through it before, many, many times, on many, many issues. But we'll not really improve the situation if we don't hear from people like you. You're on the firing line and you bear the heat and burden, to use an old trite expression, of what's happening out there. You come and counsel with us, and this is good. Sometimes, you know, our differences at the beginning are understandable and they really help us to come together a little bit later. If we were all of the one line of thinking in the beginning, we would never do as good a job a little further along, isn't that right?

Ms. **Schomp**. True.

Senator **Randolph**. I feel it very, very much, that this give and take is helpful.

Ms. **Schomp**. I do make this point in my testimony, but I would like to emphasize one more thing. I say here, "The definition of education for these youngsters is far different from that of children in the regular classroom." Not always, but because we are managing to come together on those—there is one facet of the education which is similar for both kinds of these children, and that is their exposure to and increasing knowledge of one another.

Our experience has been terrific——

Senator **Randolph**. Yes, that's important.

Ms. **Schomp** [continuing]. The interaction between these groups of children. It has been just great.

Many of these children haven't had a chance to interact with one another—I am also speaking about the interaction with children who have never been exposed to youngsters with handicaps.

Senator **Randolph**. That's right.

Ms. **Schomp**. And the delight that children with handicaps take in the warmth and the curiosity, and the openness that normal, regular children have when they deal with these young handicapped youngsters, it's a very good thing. To me, it makes all the stress felt by many people with a least restrictive environment worthwhile.

Senator **Randolph**. The intimacy, the closeness, the understanding of one handicapped child for another—the existence of these feelings doesn't preclude the desire of handicapped individuals to have opportunity to be a part of another group that is not handicapped, is that not true?

Ms. **Schomp**. True.

[The prepared statement of Ms. Schomp and responses to questions by Senator Randolph and additional material supplied follow:]

## STATEMENT TO THE SUBCOMMITTEE ON THE HANDICAPPED OF THE COMMITTEE ON LABOR AND HUMAN RESOURCES

IT IS EXCITING AND GRATIFYING TO PARTICIPATE IN THIS COMMITTEE'S EXAMINATION OF THE WORKINGS OF P.L. 94-142 AND ITS COMPANION 504. AS A MEMBER OF THE BOARD OF EDUCATION OF A GOOD-SIZED METROPOLITAN SCHOOL DISTRICT, THE FORMER PRESIDENT OF THE DENVER MENTAL HEALTH ASSOCIATION, THE FORMER PRESIDENT OF THE DENVER LEAGUE OF WOMEN VOTERS, AND A PRESENT MEMBER OF THE BOARD OF DIRECTORS OF THE DENVER VISITING NURSE ASSOCIATION, I HAVE BEEN INVOLVED IN THE ASTOUNDING CHANGES IN OUR CARE OF AND ATTITUDES TOWARD PEOPLE WITH HANDICAPPING CONDITIONS, AND SPECIFICALLY, IN OUR COMMITMENT TO EDUCATION AND TRAINING FOR ALL CHILDREN, REGARDLESS OF THEIR DISABILITIES. IT IS AN ATMOSPHERE OF HOPE AND CHALLENGE WE LIVE IN, AND IT DEMANDS CONSTANT RE-EXAMINATION OF THE WAYS WE HAVE DONE THINGS IN THE PAST AND DEVISING NEW WAYS TO DO THINGS IN THE FUTURE.

P.L. 94-142 HAS CHARGED THE MUCH MALIGNED PUBLIC SCHOOLS OF THIS COUNTRY WITH AN ENORMOUS RESPONSIBILITY. LET ME NARROW MY COMMENTS DOWN TO THE COMMUNITY IN WHICH I WORK, BECAUSE I CAN BEST HELP YOU BY ALLOWING YOU TO SEE HOW WE ARE MAKING THIS REMARKABLE LAW WORK AND WHAT WE NEED TO DO TO ALLOW REALIZATION OF THE EXPECTATIONS IT HAS AROUSED. OUR INVOLVEMENT WITH EDUCATION OF YOUNGSTERS WITH SPECIAL NEEDS STARTED AS EARLY AS 1912 WITH A SPEECH CORRECTION PROGRAM. TO THAT WERE ADDED IN SUCCESSION AN ORAL PROGRAM FOR THE HEARING HANDICAPPED, A PROGRAM FOR THE PARTIALLY SIGHTED, A SPECIAL SCHOOL FOR THE PHYSICALLY HANDICAPPED, TWO CLASSES FOR THE "MENTALLY HANDICAPPED IN 1947, ELEMENTARY CLASSES FOR PUPILS WITH LEARNING DISABILITIES IN 1967, AND IN 1969 EXTENSION CENTERS FOR YOUNG PEOPLE WITH EMOTIONAL AND BEHAVIORAL PROBLEMS. DURING THE SIXTIES THIS SCHOOL DISTRICT TOOK WHAT WAS THEN CONSIDERED TO BE THE RADICAL STEP OF APPROPRIATING SOMEWHERE IN THE NEIGHBORHOOD OF $300 PER CHILD TO BE PUT TOWARD THE EDUCATION OF CHILDREN WITH SERIOUS DISABILITIES WHO WERE THEN BEING EDUCATED ONLY AT PRIVATE FACILITIES - SOME RESIDENTIAL AND SOME DAY-TREATMENT.

IN 1973 THE STATE OF COLORADO PASSED A FAR-REACHING LAW WHICH REQUIRED ALL SCHOOL DISTRICTS IN COLORADO TO DEVELOP PROGRAMS TO SERVE ALL HANDICAPPED PUPILS BY JULY 1, 1975. THE STATE LEGISLATURE THEN PROCEEDED IN THE ENSUING YEARS TO BACK UP ITS MANDATE BY REDUCING THE PROMISED 80% FUNDING OF ADDITIONAL EXPENSES AS A RESULT OF THIS LEGISLATION TO 47%. THE STATE ALSO SET UP A SYSTEM OF ADMINISTRATION TO DEAL WITH THE SERIOUSLY INVOLVED AND MULTIPLY HANDICAPPED CHILDREN. SCHOOL DISTRICTS WERE TO PAY INTO A COMMUNITY CENTER BOARD SET UP IN EACH COMMUNITY, OR GROUP OF COMMUNITIES, IN THE CASE OF SMALL POPULATION

CENTERS, AN AMOUNT EQUAL TO THAT RAISED FROM LOCAL PROPERTY TAXES PER PUPIL. THIS MONEY WAS SUPPLEMENTED BY MONEY FROM BOTH FEDERAL AND STATE SOURCES AND DISTRIBUTED BY CITIZENS ELECTED TO THIS COMMUNITY BOARD FROM THE COMMUNITY. MOST OF THIS MONEY WAS CONTRACTED OUT TO PRIVATE AND SEMI-PUBLIC AGENCIES TO PROVIDE SERVICES FOR THE CHILDREN. THE STATE MANDATE LEFT SOME LEEWAY FOR EXCLUSION OF THOSE CHILDREN NOT CONSIDERED EDUCABLE, AND INSTITUTIONALIZED CHILDREN WERE NOT DEALT WITH BY THE COMMUNITY CENTER BOARDS.

WITH THE PASSAGE OF P.L. 94-142 AND THE REALIZATION THAT ALL CHILDREN MEANT EXACTLY THAT A MASSIVE RE-ALIGNMENT COMMENCED. THE LEAST RESTRICTIVE ENVIRONMENT PROVISION OF THE ACT SEEMED TO THE DENVER BOARD OF EDUCATION A VERY CLEAR DIRECTION THAT THEY CONDUCT THE EDUCATION OF ALL HANDICAPPED CHILDREN AS MUCH AS POSSIBLE WITHIN THE PUBLIC SCHOOLS THEMSELVES, AND BY EARLY 1976 THEY HAD IN PLACE A PROGRAM WHICH BEGAN TO DO JUST THAT. THE PROGRAM FOR THE MENTALLY RETARDED AND SERIOUSLY HANDICAPPED STARTED IN THE SPRING OF 1976 WITH ELEVEN CHILDREN IN THE WING OF AN ELEMENTARY SCHOOL AND HAD EXPANDED BY 1979 TO 199 STUDENTS WITH CLASSES IN FOUR ELEMENTARY SCHOOLS, THREE JUNIOR HIGH SCHOOLS, AND FOUR HIGH SCHOOLS. STAFF FOR THESE CHILDREN IN AT PRESENT 28 TEACHERS AND 22 SUPPORT STAFF. THE DEFINITION OF EDUCATION FOR THESE YOUNGSTERS IS FAR DIFFERENT FROM THAT OF CHILREN IN THE REGULAR CLASSROOM. THERE IS, HOWEVER, ONE FACET OF EDUCATION WHICH IS SIMILAR FOR BOTH KINDS OF CHILDREN, AND THAT IS THEIR EXPOSURE TO AND INCREASING KNOWLEDGE OF ONE ANOTHER. OUR EXPERINECE IN THE INTERACTION OF THESE YOUNG PEOPLE HAS BEEN ONE OF THE FINEST RESULTS OF OUR IMPLEMENTATION OF P.L. 94-142.

TO UNDERSTAND SOME OF THE PROBLEMS OUR DISTRICT ENCOUNTERS WITH ITS SPECIAL EDUCATION PROGRAM, YOU NEED A BRIEF RESUME OF THE COSTS INVOLVED. THE BREAKDOWN OF WHAT WAS SPENT BY THE DISTRICT IN 1977-78 AND THEIR REIMBURSEMENT FROM VARIOUS SOURCES IS:

| | |
|---|---|
| TOTAL COSTS. . . . . . . . . . . . . . | $16,563,470.00 |
| AUTHORIZED REVENUE BASE FROM LOCAL PROPERTY TAX. . . . . . . | 9,639,156.86 |
| REIMBURSEMENT FROM STATE FOR HANDICAPPED EDUCATION. . . . . . | 5,865,287.00 |
| AMOUNT NOT FUNDED BY STATE AND AUTHORIZED FOR FUNDING THROUGH PROPERTY TAX MILL LEVY . . . | 1,059,026.14 |
| FEDERAL SUPPORT. . . . . . . . . . . . | 199,521.00 |
| UNFUNDED BALANCE . . . . . . . . . . . | 859,505.14 |

THE QUESTION WHICH IS INESCAPABLE IS - WHERE DOES THE $859,505.14 COME FROM? AND THE ANSWER IS THAT IT COMES FROM PROGRAMS AND SERVICES FORMERLY FOR NON-HANDICAPPED CHILDREN. FOR INSTANCE, PSYCHOLOGICAL SERVICES FORMERLY AVAILABLE TO THE GENERAL SCHOOL POPULATION ARE ALMOST TOTALLY OCCUPIED WITH THE STAFFING AND EVALUATION PROCEDURES MANDATED BY 94-142. THE NUMBER OF PSYCHOLOGISTS IN OUR SYSTEM HAS INCREASED FROM 20 IN 1974 TO OUR PRESENT NUMBER OF 32.

FOR THE YEAR 1979-1980 WE ARE SUBMITTING A PROPOSAL TO THE FEDERAL GOVERNMENT WHICH ASKS FOR A TOTAL OF $548,437 - AS CONTRASTED TO THE $199,521 FEDERAL SUPPORT RECEIVED IN 1977-1978. COUPLED WITH THE 94-142 PROPOSAL WILL BE THE TITLE I 89-313 FUNDS FOR A SUMMER SCHOOL PROGRAM FOR THE MULTIPLY HANDICAPPED AND SERIOUSLY RETARDED IN THE AMOUNT OF $39,967 AND A TITLE VI C PROGRAM FOR THE DEAF-BLIND IN THE AMOUNT OF $24,683.

IN ORDER THAT YOU MAY PUT THESE FIGURES IN PERSPECTIVE WITH THE REST OF THE BUDGET FOR OUR SCHOOLS, OUR TOTAL INCOME, INCLUDING CAPITAL RESERVE FOR MAINTAINING A BUILDING PROGRAM COMES TO $208,350,484. THIS INCLUDES BOTH FEDERAL AND STATE CATEGORICAL SUPPORT. OUR GENERAL FUND BUDGET RAISED PRINCIPALLY FROM PROPERTY TAX IS APPROXIMATELY $168,000,000.

ALTHOUGH WE SHARE MANY CONCERNS WITH OTHER DISTRICTS, I AM GOING TO CITE TO YOU THE ONES MOST PERTINENT TO OUR DISTRICT.

1. UNDER-FUNDING AT THE STATE AND FEDERAL LEVELS, WITH A TENDENCY ON THE PART OF THE STATE TO CONSIDER FEDERAL FUNDING AN EXCUSE FOR CONTINUED UNDER-FUNDING OF ITS LEGISLATION.

2. RELATIONSHIP TO COURT-ORDERED INTEGRATION.

3. CLERICAL AND PAPERWORK LOAD CAUSED BY EXTREME ACCOUNTABILITY AND REPORTING REQUIREMENTS AND AN ENORMOUS AMOUNT OF OVERLAPPING.

4. ENSURING NON-DISCRIMINATORY TESTING AND EVALUATION.

5. ENSURING CHILD-ADVOCACY RATHER THAN PARENT ADVOCACY IN DUE PROCESS PROCEDURES.

6. PRIVACY LAWS WHICH HINDER THE GATHERING OF COMPLETE AND PREVIOUS INFORMATION FOR CHILD-FIND (EARLY PERIODIC SCREENING, DIAGNOSIS AND TREATMENT THROUGH MEDICARE).

7. RESISTANCE AND BACKLASH FROM NON-HANDICAPPED SCHOOL STAFF (TEACHERS, ADMINISTRATORS, BUDGET OFFICERS)

8. RESISTANCE FROM PRIVATE AGENCIES TO PUBLIC SCHOOL INVOLVEMENT.

9. LACK OF INTER-AGENCY AGREEMENTS, PARTICULARLY FOR CHILDREN FORMERLY IN INSTITUTIONS, AND FOR CHILDREN WITH HEALTH AND EMOTIONAL INVOLVEMENTS.

10. LACK OF FUNDING AT THE STATE LEVEL FOR PRE-SCHOOL AND EARLY CHILDHOOD PROGRAMS - PROBABLY THE MOST IMPORTANT YEARS IN THE EDUCATION OF HANDICAPPED CHILDREN AND THE MOST PRODUCTIVE.

11. DETERMINATION OF PUBLIC-SCHOOL VERSUS PRIVATE-SCHOOL RESPONSIBILITY AND THE POSSIBILITY OF PARALLEL ENROLLMENT.

12. LACK OF FUNDING FOR MODIFICATION OF BUILDINGS TO PERMIT PROGRAM ACCESSIBILITY.

YOUR COMMITTEE HAS ASKED THAT WE EMPHASIZE THE MOST PRESSING OF THESE CONCERNS, OTHER THAN THE FUNDING - WHICH IS A PERVASIVE CONCERN. AT THIS POINT IN THE IMPLEMENTATION OF THE LAW THE HEAVY DEMANDS OF THE CHILD-FIND AND EVALUATION PROCEDURES, BOTH ON SPECIAL EDUCATION STAFF AND ON REGULAR STAFF ARE TREMENDOUS. WE HAVE INCREASING DEMANDS FROM PAROCHIAL SCHOOLS FOR CARRYING OUT THIS MANDATE; AND WORKING OUT THE RELATIONSHIPS FOR PROVIDING SERVICES AND/OR MONITORING PROGRAMS IN THESE INSTITUTIONS WHEN WE HAVE SET UP OUR OWN PROGRAMS IN A LEAST RESTRICTIVE ENVIRONMENT IS AN INCREASING PROBLEM.

THE SERVING OF THE MULTIPLY HANDICAPPED AND SEVERELY EMOTIONALLY INVOLVED WITHOUT, AS YET, SUFFICIENT AGREEMENTS AMONG SCHOOLS AND OTHER AGENCIES FOR MEETING THE NEEDS OF THESE CHILDREN RANKS HIGH ON OUR LIST. IN COLORADO WE ARE DE-INSTITUTIONALIZING A GROWING NUMBER OF CHIDLREN, AND THERE ARE PLANS FOR AN ACCELERATION OF THIS PROCESS. TO REQUIRE SCHOOLS AND COMMUNITIES TO SERVE THESE CHILDREN WITHOUT SETTING UP A SMOOTH PROCEDURE FOR INTEGRATING ALL THE NEEDED SERVICES IS A STEP

BACKWARD. A LEAST RESTRICTIVE ENVIRONMENT WHICH OMITS NECESSARY SERVICES AND TREATMENT IS A FARCE. THIS HAS CREATED IN OUR DISTRICT AN IMPOSSIBLE SITUATION, AND ONE WHICH IS EXTREMELY EXPENSIVE AND UNSATISFACTORY. THE LITIGATION WHICH SCHOOL DISTRICTS FACE OVER THIS SITUATION IS BURDENSOM, TO SAY THE LEAST.

FINALLY, LET ME CITE WHAT IS TO ME PERSONALLY AND TO PARENTS OF HANDICAPPED CHILDREN PROBABLY OF THE UTMOST IMPORTANCE. THIS IS THE ABSOLUTE NECESSITY FOR EARLY INTERVENTION. THE AMOUNT OF MONEY WHICH IS NOW SPENT ON EARLY TRAINING OF CHIDLREN WITH HANDICAPS OF ANY KIND WILL BE RETURNED MANY TIMES OVER WHEN THE CHILD REACHES SCHOOL AGE AND LATER BECOMES AN ADULT. APPARENTLY, HOWEVER, THIS FACT NEEDS TO BE REITERATED AGAIN AND AGAIN. IN COLORADO WE PROVIDE MINIMAL PROGRAMS FOR INFANT STIMULATION AND PRE-SCHOOL. CONSEQUENTLY, WE DO NOT RECEIVE EVEN THE MINIMAL FEDERAL INCENTIVE FUNDS FOR THIS MOST IMPORTANT PROGRAM.

THIS IS NOT MEANT TO BE A NEGATIVE STATEMENT. IT STARTED OUT ON A NOTE OF HOPE, AND IT FINISHES BY VOICING CONFIDENCE THAT WE WILL PROGRESS WITH THE WORK WE HAVE STARTED. CONGRESS DID A WISE AND COMPASSIONATE ACT WHEN P.L. 94-142 WAS PASSED. COMPASSION, HOWEVER, DOES NOT DO IT. TO PROMISE SUPPORT WHICH IS NOT GIVEN IS IMMORAL. I BELIEVE THAT IS NOT YOUR WISH NOR YOUR INTENTION. THANK YOU FOR ALLOWING ME TO APPEAR BEFORE YOU.

KATHERINE W. SCHOMP, MEMBER
DENVER BOARD OF EDUCATION
DENVER PUBLIC SCHOOLS
900 GRANT STREET
DENVER CO 80203

KWS:vh

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NOV 2 1979

October 29, 1979

Senator Jennings Randolph
Chairman, Subcommittee on the Handicapped
4230 Dirksen Senate Office Building
Washington, D.C. 20510

Received
Date 11-2-79
Subcommittee on
The Handicapped

Dear Senator Randolph:

Enclosed are answers to the questions given to me by you in order to insure inclusion of my testimony in the record of the oversight hearing on Public Law 94-142.

I share your interest and commitment in improving our nation's programs for the handicapped.

If I can be of any further assistance to you, please let me know.

Sincerely,

Katherine W Schomp

Katherine W. Schomp

## TESTIMONY SUBMITTED IN OVERSIGHT HEARING ON PUBLIC LAW 94-142

### Questions and Answers

Katherine W. Schomp - Questions

1. COULD YOU EXPLAIN FURTHER YOUR CONCERN ABOUT ENSURING "CHILD ADVOCACY RATHER THAN PARENT ADVOCACY" IN DUE PROCESS PROCEDURES?

Allegedly, staff of the Office of Civil Rights has taken a position that "parents are supreme" in the implementation of PL 94-142. If the child is severely handicapped and needs special education services, the only way to override a disapproving parent is to go to court in an attempt to have the parent declared incompetent. This is a most undesirable step to take and a very difficult thing to prove.

In instances which can be documented, parents have sacrificed the appropriate program for their children in the least restrictive environment in order to gain baby sitting time for their child before and after regular school hours in a private school setting.

If the law is meant to provide these broad powers to parents or guardians, please state this very clearly so that the battle of child advocacy versus parent advocacy need not be contined.

2. YOU MENTION THAT NON-HANDICAPPED SCHOOL STAFF IS RESISTING PUBLIC LAW 94-142. HAS THE DENVER DISTRICT TAKEN ANY STEPS TO AMELIORATE THIS RESISTANCE BY PROVIDING INSERVICE TRAINING, ETC.?

The primary reason that the regular school staff shows any resistance to Public Law 94-142 is the provision in the law that handicapped pupils should be educated in the least restricted environment; that is, they should be educated with non-handicapped children insofar as practical. Careful steps are taken to insure that handicapped children are educated in the same classroom setting as non-handicapped children only when they have a reasonable chance for success in such a setting. Despite this precaution, some modification in instructional approaches by the regular classroom teacher is needed in order to help the handicapped child succeed in the regular classroom.

Inservice training opportunities have been provided on a broad scale to help regular teachers relate successfully to handicapped children. Special education teachers have worked individually with regular teachers. Inschool staff programs have focused on working with handicapped children. Opportunities for professional growth credits have been provided to regular teachers who participate in inservice training programs. These and other helpful steps have been taken.

However, in order to successfully integrate severely handicapped pupils, such as those with severe emotional disorders, severe physical handicapping conditions, and severe mental retardation, an effective prolonged program is required for regular teachers. Proposals from this school district for funding personnel preparation activities have not been honored.

Teachers in Denver have a good teaching situation with adequate facilities, resources, class sizes, and related matters. However, it is not ideal. Therefore, they resent any semblance of a more ideal situation existing for teachers in our special education program.

Another major reason for some resistance of regular educators to special education programs is the plain fact that they know that the only way that the kinds of special education programs being provided can be provided is to divert money from the regular education program. They know that the on-going costs for some special education programs are four to five times as much as the regular education programs; and, in some instances, start-up costs for programs for some severely handicapped pupils may be ten times as much as the cost for regular programs for pupils.

Their concern is a legitimate concern about the equitability of the use of local funds for educating pupils.

In summary, the school district has provided a variety of inservice training programs. However, the kinds of such programs needed would cost much more than this school district or many other school districts can afford to spend on inservice training.

3. YOU MENTION THAT YOUR SCHOOL DISTRICT FACES LITIGATION OVER UNSATISFACTORY LEAST RESTRICTIVE ENVIRONMENT PLACEMENTS. COULD YOU GIVE THE SUBCOMMITTEE MORE DETAILED INFORMATION AS TO EXACTLY WHAT HAS HAPPENED?

In Colorado, a system of community centers exists under state statutes to serve children who are mentally retarded and seriously handicapped. For each child in such a center, the school district of residence pays tuition to such a center. The pupils at the centers all are severely handicapped.

After careful evaluation of these centers, professional staff members in the Denver Public Schools have concluddd that the "least restrictive environment" requirements of PL 94-142 mandate that most of these pupils be educated in a physical setting with other non-handicapped pupils. On January 19, 1978, the Board of Education passed a resolution which mandated that all of these children be phased in to a program in the regular public school system. Parents of many of these children have resisted this and are using all appeal avenues open to them in an attempt to keep their children in these community centers at public expense. Such parents made it clear that, if needed, they will go into court to defend their right to have their children attend the schools that they wish to have their children attend. In the process, they choose to interpret PL 94-142 as placing the ultimate decision about the placement of their children in their hands.

How far should we go in foregoing our judgment about the appropriate educational placement for each child in relation to the judgment of the parents?

In several other cases, parents of pupils who are mentally ill to the extent that they are not able to profit reasonably from an educational program and do present a clear and present danger to the staff and other pupils in the environment are insisting on their being educated in a regular educational program. They have appealed to the Legal Center for Handicapped Citizens for assistance in this matter.

In these cases, there have been repeated psychiatric evaluations and testimony to the effect that the only hope that some of these pupils have for getting hold of their futures is to be in a residential center which would provide intensive medical treatment to them. To do otherwise may be seen as abusing these children and denying them needed medical attention.

In the instance of two pupils in the same family, the parents withdrew them from institutional care and demanded that the school district educate them. The best that this school district or any school district could hope to do for these two children at this time is to physically contain them, not educate them.

The law should be clear that the function of the schools is to provide an identifiable body of educational services to pupils and not custodial or medical services.

Based on PL 94-142, and Section 504 of the 1973 Vocational Rehabilitation Act, courts and social agencies have been assigning mentally ill pupils to institutions and mandating that school districts make payments of up to $56,000 a year for educational services without any proof of productivity on the part of these institutions. This is not equitable nor would it be supported by the concerned citizens in Denver or elsewhere.

LOCAL ADMINISTRATORS - FUNDING

1. WHAT EFFECT DO YOU FEEL THE "PROPOSITION 13 MOVEMENT" HAS HAD ON THE SPECIAL EDUCATION SERVICES AND RELATED SERVICES AVAILABLE TO HANDICAPPED CHILDREN?

   I am not aware of any effect that the movement has had thus far on these services. However, it is highly likely that this movement will focus increased attention on "equity." That is, meeting the needs of handicapped pupils only to the same extent that the needs of non-handicapped pupils are being met. In addition, local funds may become somewhat more scarce, forcing school districts to develop priorities for funding. The extent to which the public supports regular education vs. special education then may be tested. Federal funds can help minimize this problem.

2. WHAT PROPORTION OF THE TOTAL SPECIAL EDUCATION BUDGET IS CURRENTLY USED TO PAY PRIVATE PLACEMENT COSTS? ARE OTHER AGENCIES SHARING THESE? IF SO, TO WHAT DEGREE ARE THESE AGENCIES SHARING COSTS?

   Approximately 2% of the special education budget is currently used to pay private placement costs. These funds are used essentially to pay tuition for pupils who are mentally retarded and seriously handicapped and who attend community centers.

   The costs for the education of these children also are shared by the State Department of Institutions and by other private sources of funds. The payment from the State Department of Institutions for educational services in the community centers is approximately the same as the tuition payments from the Denver Public Schools per child.

3. WHAT PROPORTION OF SPECIAL EDUCATION EXCESS COSTS ARE PROVIDED BY LOCAL, STATE, AND FEDERAL SOURCES?

   Approximately 47.59% of the special education excess costs are provided from local funds, 67.06% from state funds, and 5.63% from federal funds.

4. WHAT WAS YOUR AVERAGE EDUCATION EXPENDITURE FOR HANDICAPPED CHILDREN FOR 1977-78 SCHOOL YEAR COMPARED WITH THE AVERAGE EXPENDITURE IN 1973-74 SCHOOL YEAR?

   For the 1973-74 school year, expenditures of $6,423,142 provided an average expenditure of $3,517. In 1977-78, an expenditure of $16,563,471 provided for an average expenditure of $4,243 per child.

   Since the beginning of the 1977 school year, a significant number of severely handicapped children, many of whom were in institutions or unserved, have been enrolled in our schools. The average expenditure for these children will be significantly higher than it is for other children.

5. ARE YOU SATISFIED WITH THE TIME LIMITS OF YOUR GRANT AWARD UNDER PUBLIC LAW 94-142?

   No. In Colorado, we have yet to have funds available at the beginning of the fiscal period for which the funds are allotted. Fiscal 1978 funds were available to us in September 1978 rather than October 1, 1977. Fiscal 1979 funds were available in September 1979 rather than October 1, 1978. Fiscal 1980 funds, which should have been available October 1, 1979, are not yet available. In each instance, the funding has been delayed because of the delay in approval of the state plan. Hopefully, in future years, any impediments to funding could be ironed out in such a way that school districts could plan a year or more ahead for initiating projects and then get the funding at the time needed to initiate these projects.

   An additional concern is the fact that the Congress has not seen fit to adhere to the graduated funding levels originally authorized by the legislation. Such actions necessarily contribute to delays in the full implementation of the law.

LOCAL ADMINISTRATORS - DUE PROCESS

1. ARE THERE ANY PATTERNS IN DUE PROCESS COMPLAINTS IN YOUR DISTRICT?

The primary bases for due process complaints have been as follows:

- Parent interest in having their children in publicly-supported community center schools rather than enroll them in less restrictive environments available in public school programs.
- Parents are asking for excessive levels of educational services to handicapped children instead of adequate or appropriate services for their children.
- Some parents are asking schools to provide intensive medical services to handicapped children which are clearly beyond the scope of mandated educational services.

2. HOW MANY DUE PROCESS COMPLAINTS HAVE BEEN FILED IN YOUR DISTRICT SINCE PUBLIC LAW 94-142 BECAME EFFECTIVE? HOW MANY HEARINGS HAVE BEEN HELD? HOW MANY DECISIONS WERE APPEALED? WHAT WAS THE DISPOSITION OF THE HEARING OFFICERS?

Approximately 30 due process complaints have been filed in our district since September 1977. Most of these complaints have been resolved through administrative procedures available prior to the step of a formal hearing. Thus, it is of utmost importance that rules and regulations permit the presence of administrative procedures for resolving complaints rather than encouraging complainants to ask immediately for a hearing within a 45-day period.

Three hearings have been held.

One decision of a hearing held has been appealed.

The meaning of the question, "What was the disposition of the hearing officers?" is unclear. Assuming that this question asks for information about the decisions of the hearing officers, one complaint was resolved administratively during a hearing, and the position of the school district was upheld in the other two cases.

LOCAL ADMINISTRATORS - SECONDARY SCHOOL

1. A 1979 REPORT BY THE DHEW INSPECTOR GENERAL FOUND IN SCHOOL DISTRICTS SURVEYED THAT ... "SPECIAL EDUCATION PROGRAMS WERE WEAK AT THE JUNIOR HIGH AND HIGH SCHOOL LEVELS." IN YOUR JUDGMENT, HOW DOES THIS FINDING RELATE TO THE SECONDARY CURRICULUM IN YOUR DISTRICT? WHAT TYPES OF VOCATIONAL EDUCATION PROGRAMS DO YOU HAVE TO ENABLE NON-COLLEGE BOUND HANDICAPPED STUDENTS TO BECOME EMPLOYABLE MEMBERS OF THE LABOR FORCE?

   Within the last five years, the special education programs at the junior high and high school levels have been strengthened greatly in the school district. Therefore, the finding stated in the question above would not apply in our district.

   Handicapped students have access to a full range of vocational programs in the skill-development areas, can participate in work-study programs, and are involved in on-the-job training programs. However, as we have more experience with pupils with all kinds of handicapping conditions we continue to see program areas in need of great expansion to better serve these pupils.

2. WHAT ASSISTANCE DOES YOUR DISTRICT RECEIVE FROM THE VOCATIONAL REHABILITATION AGENCY TO FACILITATE A SMOOTH TRANSACTION FOR YOUNG HANDICAPPED ADULTS FROM HIGH SCHOOL TO EMPLOYMENT OR ADDITIONAL TRAINING?

   At the present time, four vocational rehabilitation counselors are assigned to serve the handicapped children in our 9 senior high schools who qualify for such services. Through these counselors, determination of the eligibility of handicapped students for their services are made, job sites are identified, students are placed in on-the-job training situations, including sheltered workshops, and they continue to provide services to eligible handicapped youth after they leave the secondary school program.

LOCAL ADMINISTRATORS - IEP

1. IS EACH INDIVIDUALIZED EDUCATION PROGRAM DEVELOPED FOR A HANDICAPPED CHILD UNIQUE, OR IS THERE A "MASTER" IEP FORM WHICH TEACHERS, PRINCIPALS, AND OTHER PARTICIPANTS ARE ENCOURAGED TO USE?

   Each individualized education program developed for a handicapped child is unique to that child.

2. ARE THERE ANY PATTERNS IN DISAGREEMENTS BETWEEN PARENTS AND EDUCATORS IN THE DEVELOPMENT AND IMPLEMENTATION OF IEP'S?

   Generally, no. In isolated cases, some parents have requested greater amounts of special education or related services than the professional staff deems appropriate.

3. HAVE YOU ENCOUNTERED ANY DEMAND FOR IEP'S FOR NON-HANDICAPPED STUDENTS IN YOUR DISTRICT?

   There has been a dramatic increase in the interest in having individualized educational programs for non-handicapped students in the district. Local school staffs and teachers on their own initiative are making strides in this direction. Obviously, it would be ideal if we had the resources for this as we then would be able to move from providing appropriate educational services to all children to something approaching more the ideal services.

GENERAL QUESTIONS FOR SCHOOL ADMINISTRATORS

1. WHAT PRESCHOOL IDENTIFICATION AND EVALUATION PROCEDURES ARE USED IN YOUR SCHOOL DISTRICTS?

   Preschool is assumed to mean ages 0 through 4.

   School staff members are assigned responsibility for working with other agencies in the community, such as the Department of Social Services, child care centers, mental health agencies, and other child-serving agencies in the interest of identifying children with potential handicapping conditions. This search is aimed primarily toward identifying highly visible handicapping conditions such as visual, hearing, physical, and mental handicapping conditions. To the extent practical, evaluation procedures are carried out by these agencies in cooperation with school staff members. The evaluation is considered to be appropriate to the suspected handicapping condition.

2. BESIDES THE PUBLIC SCHOOLS, WHAT OTHER LOCAL AND STATE AGENCIES ARE INVOLVED IN THE IDENTIFICATION AND EVALUATION OF PRESCHOOL HANDICAPPED CHILDREN?

   Locally, the agencies mentioned above are involved in the identification and evaluation of preschool handicapped children. That is, social services, mental health, child care, and other agencies serving preschool handicapped children.

   At the state level, personnel in the following departments are involved in providing leadership in the areas of identifying and evaluating handicapped children: social services, health services, institutions, and education.

3. WHAT TYPES OF PRESCHOOL PROGRAMS DOES YOUR SCHOOL DISTRICT PROVIDE FOR HANDICAPPED CHILDREN?

   Preschool programs are offered to hearing handicapped children, ages 3 and 4. Children with all other types of handicapping condition who are 5 years of age or older are served in the regular school program.

   Other agencies in the community provide preschool programs for children ages 0 through 4 who are handicapped. However, these are not sufficient to meet the need.

4. WHAT TYPES OF TESTS AND OTHER PROCEDURES ARE USED IN THE IDENTIFICATION AND EVALUATION OF HANDICAPPED CHILDREN IN THE SCHOOL DISTRICTS? WHO ADMINISTERS THESE TESTS?

   For any child with a suspected handicapping condition, assessments are made in the following areas: health, psychological, social history, education, and speech/language. For certain kinds of suspected handicapping conditions, observation of pupil behavior in classrooms is required.

   These assessments are made by qualified staff members in each discipline named above: nurse, school psychologist, social worker, teacher, and speech/language specialists. These staff members are free to use tests from among a list of approved tests which each professional considers to be appropriate to the suspected handicapping condition.

5. IN WHAT WAYS, IF ANY, DO LIMITATIONS ON AVAILABILITY OF A PARTICULAR SPECIAL EDUCATION RESOURCE INFLUENCE WHICH TYPES OF HANDICAPPING CONDITIONS ARE IDENTIFIED, EVALUATED, AND SERVED?

There is no such limitation affecting the types of handicapping conditions identified, evaluated, and served.

6. TO WHAT DEGREE HAVE YOU USED PRIVATE PLACEMENTS IN ORDER TO PROVIDE THE EDUCATIONAL SERVICES NEEDED BY HANDICAPPED CHILDREN?

a. IN GENERAL, WHAT ARE THE REASONS FOR PRIVATE PLACEMENTS IN THE SCHOOL DISTRICTS?

The only private placements at the present time in the Denver Public School district are those made for pupils who are identified as mentally retarded and seriously handicapped. Such placements exist only because some of these handicapped pupils were in these centers prior to the time that state and federal mandates were enacted. The Board of Education, by resolution, has directed that all of these pupils eventually are enrolled in a public school program unless the results of due process procedures dictate otherwise. The parents of pupils in these centers want them to remain in these centers. No new private placements are being made by the school district.

b. IS THERE ANY PATTERN BY HANDICAPPING CONDITION IN YOUR PRIVATE PLACEMENTS?

See answer to a. above.

c. HAVE THESE PLACEMENTS IN PRIVATE PROGRAMS BEEN THE RESULT OF LOCAL SCHOOL DISTRICTS NOT HAVING AN APPROPRIATE PROGRAM FOR THESE CHILDREN?

See answer in a. above.

d. HOW MANY OF THESE CHILDREN WERE PLACED IN PRIVATE PROGRAMS PRIOR TO THE IMPLEMENTATION OF P.L. 94-142?

All children who were identified as mentally retarded and seriously handicapped were placed in private programs prior to the implementation of Public Law 94-142. Generally, these private programs serve an average of 300 school-aged pupils a year. At the present time, 200 of these pupils are being served in the Denver Public Schools and approximately 75 are still in the private placements.

7. IN WHAT TYPES OF EDUCATIONAL SETTINGS, BESIDES THE REGULAR CLASSROOM, ARE HANDICAPPED CHILDREN IN THE SCHOOL DISTRICTS RECEIVING EDUCATION AND RELATED SERVICES?

Services are being provided to handicapped children in hospitals, residential settings, and in other settings in the school district as appropriate at school district expense. Increasingly, handicapped children are being placed in work settings for educational purposes and for transition from and educational to a regular job.

8. WHO IS PROVIDING THE MAJORITY OF EDUCATIONAL SERVICES FOR HANDICAPPED CHILDREN?
   a. SPECIAL EDUCATION TEACHERS?
   b. REGULAR CLASSROOM TEACHERS?
   c. CLASSROOM AIDES?

The nature and severity of the pupil's handicapping condition generally governs the qualification of the person delivering educational services to the children. For pupils who have severe or profound handicapping conditions, educational services are provided primarily by special education teachers. As the impact of the handicapping condition on the learning of the pupil is lessened, more of the services for this pupil can be provided in the regular education program. Such would be the case with pupils who have severe hearing, visual, physical, or mental handicaps.

For pupils with moderate handicapping conditions, educational services may be delivered to them about equally by special education teachers and regular education teachers. Again, as the impact of the handicapping condition is reduced, more of the educational services are delivered to such pupils by the regular classroom teachers. This is true in instances such as those of the pupil who may be low-functioning or who may have a moderate learning disability.

For pupils whose handicapping condition is such that their needs can be met adequately by relatively brief periodic services from a special education staff member, the great majority of educational services for such children would be delivered by the regular classroom teacher. As needed, special education teachers do provide consultant help to regular education teachers and also may provide direct services to a child in the regular classroom.

The contribution that effective classroom aides make in providing educational services to handicapped children is great. This is particularly true in serving the severely handicapped pupils. These educational programs could not be offered successfully without them or additional professional staff members. The contribution that these aides also make to pupils with mild or moderate handicapping conditions can be significant in providing the individual attention that pupils need and that trained aides can offer.

9. WHAT HANDICAPPING CONDITIONS HAVE BEEN THE MOST DIFFICULT TO SUCCESSFULLY "MAINSTREAM" INTO THE REGULAR CLASSROOM?

The handicapping conditions that have been the most difficult to successfully "mainstream" into the regular classroom are those that are severe or profound. The severity of the handicap more so than the nature of the handicap generally would govern the difficulty in pupils having their needs met in regular classrooms. Those handicapping conditions which are mild, regardless of the nature of the handicap, would be least difficult to be served in a regular classroom setting. For example, a pupil with a severe specific learning disability may not be able to profit from any time in a regular classroom whereas another pupil with a mild learning disability may be able to spend full time in a regular classroom with no special education services except, perhaps, consultant services to the regular teacher.

10. HOW WOULD YOU RESPOND TO THE CONCERN THAT SOME HANDICAPPED CHILDREN ARE BEING "DUMPED" INTO REGULAR CLASSROOMS AND THUS ARE RECEIVING FEWER EDUCATIONAL SERVICES THAN WOULD BE PROVIDED IN SELF-CONTAINED CLASSES OR RESIDENTIAL SETTINGS?

In the Denver Public Schools, to the best of my knowledge, there are no pupils being "dumped" into regular classrooms. We exert every effort that we can to be sure that the pupils' experience in a regular classroom is consistent with the pupils' ability to profit from that classroom. Our procedures are geared essentially to help a pupil make the transition into a greater amount of time in the regular classroom. Such placements are reviewed critically on at least an annual basis in the elementary school level and on a semester basis at the secondary schools.

We doubt seriously that there would be an adequate educational basis for placing a handicapped pupil in a residential setting. Our experience, without fail, has been that the dominant needs of a pupil who could profit from a residential setting have been medical rather than educational. Indeed, some pupils are not able to profit from educational services until their medical needs have been met.

11. WHAT FOLLOW-UP PROCEDURES DO THE SCHOOL DISTRICTS USE TO KEEP TRACK OF THE EDUCATIONAL PROGRESS OF A HANDICAPPED CHILD ONCE PLACEMENT HAS OCCURRED?

The meaning of this question is unclear. However, it may overlap with question #14; please see the answer there.

12. A 1979 REPORT BY HEW INSPECTOR GENERAL FOUND IN SCHOOL DISTRICTS SURVEYED THAT "SPECIAL EDUCATION PROGRAMS WERE WEAK AT THE JUNIOR HIGH AND HIGH SCHOOL LEVELS."

a. IN YOUR JUDGMENT, HOW DOES THIS FINDING RELATE TO THE SECONDARY CURRICULUM IN YOUR SCHOOL DISTRICT(S)?

This finding does not square at all with the practices in the Denver Public Schools. However, programs at these levels have been greatly expanded in recent years and need greater expansion.

b. WHAT TYPES OF VOCATIONAL EDUCATION PROGRAMS DO YOU HAVE TO ENABLE NON-COLLEGE BOUND HANDICAPPED STUDENTS TO BECOME EMPLOYABLE MEMBERS OF THE LABOR FORCE?

Handicapped students have access to a full range of vocational programs in the skill development areas, can participate in work-study programs, and are involved in on-the-job training programs.

13. IS EACH INDIVIDUALIZED EDUCATIONAL PROGRAM UNIQUE OR IS THERE A MASTER IEP FORM WHICH TEACHERS USE?

Each individualized education program developed for a handicapped child is unique to that child.

14. WHAT FOLLOW-UP PROCEDURES ARE USED TO INSURE THAT THE GOALS AND OBJECTIVES OF THE IEP'S ARE CARRIED OUT IN THE CLASSROOM?

The follow-up procedures are as follows:

- The goals and short-term objectives of the IEP are required to be written out by each teacher for each child; these forms require that evaluative data be entered on these forms at the end of the appropriate time periods.
- Local school principals and district-wide supervisory personnel have responsibility for viewing these documents periodically during the school year.
- At the end of each school year, the report of achievement in relation to annual goals are reviewed with the parent and the school principal or another designee from the Department of Special Education and the parent. At this time, the annual goals for the following school year are established as needed.
- The evaluative data on the annual goals form are submitted to the Department of Special Education for review at the end of each school year.
- School principals or designees and representatives from the Department of Special Education carry out intensive classroom visitations for teachers during their first three years of employment and less intensively for other teachers in the program.

15. AFTER A HANDICAPPED STUDENT IS IDENTIFIED WHAT IS THE AVERAGE AMOUNT OF TIME REQUIRED TO PREPARE THE IEP AND PLACE THE CHILD IN AN APPROPRIATE SETTING?

Our procedures call for this being completed within 30 days. It usually is accomplished within two weeks.

16. WHAT SORT OF CERTIFICATION DO HANDICAPPED CHILDREN RECEIVE UPON COMPLETION OF THEIR "SECONDARY" STUDIES: A REGULAR DIPLOMA? SPECIAL CERTIFICATE?

Handicapped and non-handicapped students who meet all the requirements for graduation get a regular diploma.

Handicapped and non-handicapped students who do not meet all the requirements for a regular diploma after attending secondary schools for the normal amount of time are eligible to receive a "Certificate of Attendance."

Severely handicapped students whose educational program differs significantly from the program leading to a high school diploma can be eligible to receive a "Work-Study Diploma." Generally, these are pupils with severe handicapping conditions which interfere with the student's ability to master basic skills and allied information.

17. HOW IS YOUR STATE ACTUALLY USING THEIR FEDERAL DOLLARS FOR THE EDUCATION OF THE HANDICAPPED?

This question should be directed to the Colorado Department of Education for answer. If you wish, I could ask them to respond.

18. HOW DOES YOUR STATE ACTUALLY FINANCE THE LOCAL SCHOOL DISTRICT'S SPENDING FOR THE EDUCATION OF THE HANDICAPPED, THAT IS, VIA REIMBURSEMENT, FORWARD FUNDING, LETTERS OF CREDIT, ETC.

The state funds a portion of the local school district's spending for the education of the handicapped. This funding is paid in the form of reimbursement.

19. TO WHAT DEGREE IS YOUR STATE AND LOCAL SCHOOL DISTRICT SPENDING THEIR 94-142 DOLLARS TO PURCHASE? (1)"EDUCATIONAL SERVICES?" (2) "RELATED SERVICES?"

The question concerning the state practices should be addressed to the Colorado Department of Education.

We would be happy to ask them to send this information to you if you so wish.

Funds available under PL 94-142 to the Denver Public Schools for fiscal 1979 are being divided about evenly between "educational services" and "related services."

20. IS YOUR STATE IEP REQUIREMENT DIFFERENT FROM THAT OF 94-142? DO THE REGULATIONS ON THE STATE AND FEDERAL LEVEL DIFFER?

The state IEP requirements are essentially the same as the requirements of PL 94-142.

21. WHAT ROLE IS THE IEP REQUIREMENT PLAYING IN THE CONTRACT NEGOTIATIONS BETWEEN TEACHERS AND THE SCHOOL DISTRICT? FOR EXAMPLE, ARE TEACHERS DEMANDING RELEASED TIME FOR PREPARATION OF THE IEP, ETC?

The rigorous requirements of PL 94-142, IEP and other features, have had a definite impact on negotiations between teachers and the school district. Special education teachers particularly are asking for more released time in order to carry out their functions which go beyond the direct instructional services being delivered to pupils. This includes time for extensive periodic parent conferences, evaluations and staffings, record keeping, and intensive work with individual pupils, to name a few.

Teachers in the regular educational program have helped negotiate an agreement whereby a handicapped pupil is given a greater weight than a non-handicapped pupil in determining a teacher's eligibility for aides financed from a fund which was negotiated.

Both the special education teachers and the regular teachers negotiated with the school district the creation of a Special Education Advisory Committee to deal with the many issues of interest to these teachers.

22. IN GENERAL, HOW DO YOUR STATE LAWS AND REGULATIONS FOR THE EDUCATION OF THE HANDICAPPED DIFFER FROM THE FEDERAL REQUIREMENTS? WHAT ARE THE MAJOR AREAS OF STATE-FEDERAL CONFLICT?

In general, major areas of difference are as follows:

- In Child Find activities, federal regulations mandate identifying and evaluating persons aged 0 through 20, and the state laws mandate such activities for persons aged 5 through 20.

- Federal mandate requires an impartial hearing officer to make a decision on an appeal whereas the state rules had the impartial hearing officer or panel making a recommendation to the Board of Education for action; state plan for PL 94-142 contains requirements of the federal law.

- Federal requirements for identifying a child with a learning disability far exceed the requirements contained in the rules for the administration of the state legislation.

- Federal legislation is being interpreted as indicating that there is no human being alive, regardless of his handicap, who the local school district is not responsible for educating, regardless of cost or any other considerations. The state law emphasizes the responsibility to provide equal educational opportunities for handicapped and non-handicapped students and recognizes that some children may have a medical problem, such as a severe mental illness which prevents a child from benefiting from an educational program and can be dangerous to others, thus providing legal bases for terminating educational services to that child. The interpretations provided by federal officials to these federal requirements are unreal, impractical, and can be very counter-productive in terms of broad citizen support for legislation affecting handicapped children.

  An attorney for a local legal center for handicapped citizens has publicly stated a number of times that the laws are such that funding must be provided for educating handicapped children even if we have to stop educating all non-handicapped children. That is counter-productive.

- Federal statutes provide for an appeal to a hearing officer and completion of this step within 45 days of the appeal. No mention is made of the need for time for internal administrative intervention to help resolve differences prior to going to a formal hearing. Our experience is that almost every grievance can be resolved by administrative intervention and mediation. Allowances are made for this procedure in our state plan but not in the federal rules.

23. HOW MANY DUE PROCESS CASES HAS YOUR STATE AND LOCAL EDUCATIONAL AGENCIES HANDLED DURING THE LAST YEAR?

Approximately 30 due process complaints have been filed in our district since September 1977. Most of these complaints have been resolved through administrative procedures available prior to the step of a formal hearing. Thus, it is of utmost importance that rules and regulations permit the presence of administrative procedures for resolving complaints rather than encouraging complaintants to ask immediately for a hearing within a 45-day period.

24. WHAT FORM DO THE DUE PROCESS HEARINGS TAKE (I.E., ARE YOUR STATE LAWS AND REGULATIONS DIFFERENT FROM THAT OF THE FEDERAL LAW)?

Because of our involvement in receiving PL 94-142 funds, our due process hearings follow the dictates of the federal law.

The state law and the federal law do differ in at least the following major ways:

. The impartial hearing officer under state law makes a recommendation to the Board of Education for approval; federal law requires that the impartial hearing officer make a decision.

. State law makes provisions for administrative intervention in resolving grievances; federal law makes no provision for federal intervention but does make provision for going directly to a hearing officer.

These are the significant differences.

10/29/79

DENVER PUBLIC SCHOOLS
900 GRANT STREET / DENVER, CO 80203
JOSEPH E. BRZEINSKI, *Superintendent*

DIVISION OF EDUCATION
JAMES B. BAILEY, *Deputy Superintendent*
DEPARTMENT OF SPECIAL EDUCATION
JAMES M. O'HARA, *Executive Director*

COMMITTEE ON
HUMAN RESOURCES
1980 JAN 29 AM 11:45

January 24, 1980

The Honorable Harrison A. Williams, Jr.
Committee on Labor and Human Resources
4230 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Williams:

In response to a request from you, Mrs. Kay Schomp, member of the Denver Board of Education, has asked that the attached information be sent to you.

If we can be of any further help to you in this matter, please let me know.

Sincerely,

James M. O'Hara

JMO/bj

Att.

## QUESTIONS FOR LEA'S

Responses from Mrs. Kay Schomp, Board Member, Denver Public Schools

1. WHAT AMOUNT OF YOUR PUBLIC LAW 94-142 DOLLARS ARE GOING TO PURCHASE (1) "EDUCATIONAL SERVICES"? (2) "RELATED SERVICES"?

   Our Public Law 94-142 dollars are spent about evenly between educational services and related services.

   WHAT PERCENTAGE OF YOUR HANDICAPPED BUDGET (FEDERAL, LOCAL, AND STATE COMBINED) GOES TO ELEMENTARY SCHOOLS AND WHAT PERCENTAGE GOES TO THE SECONDARY SCHOOLS?

   Approximately 60% of our handicapped budget goes to elementary schools, and approximately 40% of our handicapped budget goes to secondary schools.

2. WHAT TYPES OF TECHNICAL ASSISTANCE HAVE YOU RECEIVED FROM THE STATE?

   The types of technical assistance that we have received from the state are as follows:

   - inservice training programs for social workers, psychologists, occupational therapists, physical therapists, special education teachers, and special education administrators.
   - development of model programs for serving children with emotional or behavioral disorders and disseminating information about the nature and outcome of these programs.
   - training of impartial hearing officers
   - financing extraordinary types of medical examinations such as E.E.G.s and neurologicals
   - consultation on development of school district special education plans and proposals for PL 94-142 funding.

   WHAT ADDITIONAL ASSISTANCE WOULD YOU LIKE TO HAVE IN THE FUTURE?

   In the future, in addition to the continuation of the above kind of assistance, we would like to have the additional kind of assistance:

   - development of evaluation designs that can be used for evaluating special education programs and related activities
   - payment for impartial hearing officers
   - further development of least biased assessment instruments in the area of assessing low functioning students and student with learning disabilities
   - development of model instructional sequence guides for pupils with varying kinds of handicapping conditions

. inservice training program for school principals, superintendents, and members of the Board of Education.

3. WHAT WAS THE RATIO BETWEEN THE FEDERAL AND STATE FUNDING TO YOUR LOCAL EDUCATION AGENCY IN 1975 AND WHAT IS THE PRESENT RATIO?

For 1974-75, expenditures of $8,538,584 were supported as follows: 45.9% local, 52.7% state, and 1.4% federal funds.

For 1978-79, expenditures of $18,319,449 were supported as follows: 62.5% local, 34.8% state, and 2.7% federal funds.

4. HAS YOUR LOCAL EDUCATION AGENCY IMPOSED ADDITIONAL REQUIREMENTS CONCERNING THE IEP (INDIVIDUALIZED EDUCATION PLAN) PROCESS BEYOND THOSE SPECIFICALLY REQUIRED BY PUBLIC LAW 94-142?

WHAT ARE THOSE REQUIPEMENTS?

HAS THE STATE EDUCATION DEPARTMENT IMPOSED ADDITIONAL REQUIREMENTS TO THE IEP PROCESS OTHER THAN THOSE SPECIFICALLY MANDATED BY PUBLIC LAW 94-142?

WHAT ARE THOSE REQUIREMENTS?

Neither our school district nor our state has imposed additional requirements to the IEP process other than those specifically mandated by Public Law 94-142. These requirements are still most unclear. BEH is working on an interpretive document. In the meantime, the lawyers are having a field day in providing their own interpretations to the IEP requirement.

We are very pleased that a draft of the IEP requirements was forwarded to us by BEH for response. These statements need to be field tested by those who work with these documents every day.

The IEP can make a very positive contribution to providing educational services appropriate to the needs of handicapped children. However, inappropriately used, it can add such a load of paperwork to teachers, administrators, and support personnel that it could be completely counterproductive.

5. ARE REGULAR TEACHERS INVOLVED IN THE DEVELOPMENT OF THE IEP?

Which IEPs? Initial IEP? Annual IEP? Periodically revised IEP?

Regular teachers are involved when they have something to contribute to the development of the IEP.

6. WHAT ROLE IS THE IEP REQUIREMENT PLAYING IN THE CONTRACT NEGOTIATIONS BETWEEN THE TEACHERS' UNION AND SCHOOL DISTRICTS?

FOR EXAMPLE, ARE TEACHERS DEMANDING RELEASE TIME FOR THE PREPARATION OF THE IEP, ETC.?

The teachers primarily involved in the development of the IEP are special education teachers of the handicapped pupils. Time is allotted as part of their regular work load for them to work on the IEP. Then, as needed, aides or substitute teachers are provided for teacher time for this activity. This is an additional expense brought on by this requirement. Perhaps the interpretation of the requirements of the IEP will have some impact on this expense item.

7. WHAT ARE THE OPTIONS AND APPROACHES UTILIZED BY YOUR LOCAL EDUCATION AGENCY IN IMPLEMENTING THE "LEAST RESTRICTIVE ENVIRONMENT" PROVISION MANDATED BY PUBLIC LAW 94-142?

TO WHAT EXTENT DO YOU USE ONE OF THE OPTIONS, "MAINSTREAMING"?

A full range of options is exercised in meeting the "least restrictive environment" provision, ranging from pupil placement in a full day assignment with the same special education teacher to a special education consultant providing assistance to regular teachers who have the handicapped pupil all day. Educational activities are individualized by the special education teachers and related staff members.

8. HOW MANY DUE PROCESS PROCEEDINGS DID YOUR LEA HANDLE LAST SCHOOL YEAR?

WHAT WERE THE ISSUES INVOLVED?

WHAT WERE THE DISPOSITIONS OF THE COMPLAINTS?

There were no impartial hearings held during the last school year. The issues that were raised were resolved by mediation and appropriate administrative action which was satisfactory to the parents involved.

It is most important that the due process requirements, particularly the requirement of an impartial hearing, make it abundantly clear that such a hearing is not appropriate until there is a decision that is appealable. Some BEH and state officials have interpreted CFR 45,121a512 in such a way that the 45-day time line on the completion of the hearing can start before there is even a decision made that is appealable. Only the actions of decision makers should be appealable and not the actions of non-decision makers. For example, a team of assessors may recommend to the director of special education that a certain placement for a handicapped child be approved. For a parent to initiate a request for an impartial hearing to refute the recommendation of the assessor team is premature. Only after the director acts, should a request for an impartial hearing be in order.

9. HOW DO YOU DETERMINE THAT A CHILD NEEDS SPECIAL EDUCATION SERVICES?

WHAT PROFESSIONALS WITHIN THE SCHOOL SYSTEM ARE USUALLY INVOLVED IN THIS DETERMINATION?

WHAT TYPES OF TEST ARE MOST FREQUENTLY USED?

The procedure for determining whether or not a child needs special education services usually is initiated by a referral from a regular education teacher who is serving the child. The teacher is expected to use a variety of resources and approaches to help the child benefit from the regular educational program. The following steps then are taken:

- The teacher confers with a screening committee seeking additional assistance for the child to remain in the regular educational program.

. A referral committee consisting usually of a school principal, a psychologist or social worker, a special education teacher, and, perhaps, other staff members confers with the teacher and the child's parents to determine whether or not further assessments of the child are needed.

. If further assessments are needed, such assessments usually are made in the following areas.

- health
- social history
- psychological
- educational
- speech/language
- other special areas as needed.

. Professionals in each of the assessment areas are responsible for selecting instruments that they consider appropriate for assessment purposes, with consideration being given to the dominant language, culture, environment, and socio-economic status of the child involved.

. Those involved in the assessment then meet in a staffing session with the parents to review all of the data and to make a recommendation as to whether or not the child's educational needs are such that they could be met in a regular educational program, thus necessitating special education and/or related services. The Executive Director of Special Education or his designee approve placement.

10. DO YOU HAVE A BACKLOG OF EVALUATIONS?

WHAT EFFORTS ARE BEING MADE TO ALLEVIATE THIS?

WHAT ADDITIONAL ASSISTANCE DO YOU REQUIRE?

Our evaluation requirements within the school system and the availability of resources are very compatable. An increasing backlog of evaluations is developing as a result of our ever-broadening child find efforts which are meant to identify and evaluate all handicapped children ages 0 through 20 residing in the school district. With the mobility rate and the rate of non-handicapped youngsters becoming handicapped, it seems likely that there ever will be a sizeable backlog of evaluations for those persons aged 0 through 20 who are not enrolled in the public school system. In addition, the deinstitutionalizing of many handicapped persons of school age is placing an increasing burden on our resources.

The requirements of PL 94-142 for the identification and evaluation of all of these potentially handicapped individuals probably never will be satisfied unless there is a great outpouring of federal funds specifically for this purpose. Such funds need come not only to educational agencies but also to other public agencies serving children with special needs such as medical agencies, mental health agencies, and social service agencies.

11. IS THERE AN ADEQUATE SUPPLY OF LICENSED SPECIAL EDUCATION PERSONNEL?

Despite the fact that Denver attracts many newly-trained teachers, there is not an adequate supply of special education personnel to meet all of our needs.

IN WHAT AREAS OF HANDICAPPED EXPERTISE IS YOUR LEA DEFICIENT?

Our main deficiencies are in the area of serving children and youth with emotional and behavioral disorders, learning disabilities, and children with profound and severe mental retardation and physical handicapping conditions.

ARE YOU PROVIDING IN-SERVICE TRAINING TO REGULAR TEACHERS WHO WILL HAVE HANDICAPPED CHILDREN IN THEIR CLASSES?

Yes. Opportunities are provided for regular teachers to receive assistance in serving handicapped children in their classes. However, this needs greater attention. Thus, we are participating in the development of a National Inservice Network proposal which we hope will help us take a major step forward in providing more adequate inservice training to regular teachers who will have handicapped children in their classes.

12. WHAT IS THE MAXIMUM CASELOAD AT ANY ONE TIME FOR A RESOURCE ROOM TEACHER?

The maximum caseload will depend on the severity of the handicapping conditions of the pupils that are being served in the resource room by the resource room teacher. In instances of children with relatively severe emotional and behavioral disorders the maximum class load could be 10 pupils for one teacher and 2 aides. The regular class load for a teacher of pupils with learning disabilities and a resource room setting is 15 pupils, each of whom would be in the resource room for an average of two periods a day.

FOR A SPEECH PATHOLOGIST?

Our maximum caseload for a speech/language specialist is 50 pupils, although several speech/language specialists working with pupils with severe handicapping conditions is 25.

FOR A SOCIAL WORKER? FOR A PSYCHOLOGIST?

Our state standards for social workers is that we can be reimbursed for up to 1 social worker for 2,000 pupils and a like figure is used for psychologists.

WHAT IS THE PUPIL TEACHER RATIO IN REGULAR CLASSES?

The average pupil teacher ratio in regular classes for 1978-79 was: elementary 26-1; junior high 23.1-1; senior high 24.4-1.

13. DOES YOUR INSERVICE TRAINING PROVIDE RELEVANT COURSES FOR PRINCIPALS AND ADMINISTRATORS WHO NEED INFORMATION ON ALL ASPECTS OF PUBLIC LAW 94-142?

Yes. Principals and administrators are expected to provide leadership in the understanding and implementation of the requirements of state and federal statutes. At the local level, they are buttressed by support personnel who also are trained in the requirements of Public Law 94-142.

There is room for improvement in the inservice training provided to them. Fortunately, their attitudes are such that they are amenable to the many changes occurring in the area of rules and regulations related to handicapped students.

14. WHAT PERCENT OF YOUR 1975-76 BUDGET WAS SPENT ON MILDLY HANDICAPPED (LEARNING DISABLED, MILDLY RETARDED, ETC.) AND WHAT PERCENT ARE YOU PRESENTLY SPENDING?

During 1975-76, there were not clearcut lines identifying mildly handicapped pupils. At the present time, such identifications are more clear cut.

Generally, mildly handicapped pupils are being served in the regular classroom program adequately. There are a greater number of moderately handicapped pupils being served today than there were in 1975-1976. However, the greatest increase has been in the number of severe and profoundly handicapped pupils that are being served by the school district at this time. For this reason, the greater percentage of our budget is being spent on providing high cost services to severe and profoundly handicapped pupils today than in any past years.

Theoretically, a child with a mild handicapping condition should be able to have educational needs met in a regular program with assistance so they do not need special education services. Some consultant services may be needed. However, it is the pupils with moderate, severe, and profound handicapping conditions who do require special education and related services in order to profit from educational opportunities. Percentages would be misleading.

15. IN YOUR OPINION ARE YOUR PROGRAMS FOR THE HANDICAPPED STUDENT IN THE SECONDARY SCHOOLS ADEQUATELY SERVING THEIR NEEDS?

Yes. These may not be considered most appropriate, but we are not required to provide the most appropriate - such expectations could never be realized.

WHAT ADDITIONS OR CHANGES DO YOU ANTICIPATE IN THE NEXT SCHOOL YEAR?

The following changes are anticipated in the next school year:

- greatly expanded on-the-job training opportunities for pupils identified as educable mentally retarded
- further curriculum development in all areas of services to handicapped children with a particular focus on career education and vocational training.

16. ARE PROGRAMS IN VOCATIONAL EDUCATION BEING PROVIDED TO THE HANDICAPPED STUDENTS IN THE SECONDARY SCHOOLS?

Yes.

HOW ARE YOU OTHERWISE PREPARING HANDICAPPED STUDENTS FOR THE WORLD OF WORK?

They are being otherwise prepared through career education and special education work experience and study activities.

HAS THERE BEEN A COOPERATIVE EFFORT WITH OTHER AGENCIES TO FACILITATE THE HANDICAPPED STUDENTS TRANSITION INTO THE LABOR MARKER?

Yes, notably with the Bureau of Vocational Rehabilitation. New efforts are being fostered in relation to providing on-the-job training opportunities in various industries for handicapped pupils.

WHAT HAVE BEEN THE BARRIERS?

Breaking down the barriers of expectations as to what handicapped students can accomplish. In addition, the availability of personnel with sufficient specialization in working with severe and profoundly handicapped students so that they can be effective liaisons between the students and other adults in their environment either in school or in the community.

17. WHAT TYPE OF CERTIFICATION DO HANDICAPPED CHILDREN RECEIVE UPON COMPLETION OF THEIR "SECONDARY" STUDIES?

Handicapped children who meet the requirements for a regular diploma receive a regular diploma at the end of high school.

Youth with handicapping conditions severe enough so that they are not able to make reasonable progress in academic areas spend a heavy portion of their time in work-related activities and qualify for a special education work-study diploma. These students receive special assistance in making the transition from school to work, including follow-up by staff members from the Bureau of Vocational Rehabilitation as appropriate.

WHAT PROBLEMS, RESTRICTIONS, OR OTHER LIMITATIONS ARE ASSOCIATED WITH SPECIAL CERTIFICATES IN YOUR AREA?

None.

18. IS THERE A LACK OF PERSONNEL, RELATED SERVICES, OR COMPREHENSIVE PROGRAMMING FOR LOW-INCIDENCE HANDICAPPING CONDITIONS?

The school district only in the last several years has started to serve youth with low incident handicapping conditions, with the exception of those experiencing physical, hearing, and visual handicapping conditions. Consequently, there is a lack of adequately trained personnel to work with students with severe mental retardation and students with severe emotional behavioral disorders. Consequently, certificated staff members in other fields are being employed to work in special education areas and are receiving special instruction to help them attain and maintain skills necessary to serve students with low incidence handicapping conditions.

19. ARE YOU PROVIDING A YEAR-ROUND EDUCATION FOR THOSE HANDICAPPED CHILDREN WHOSE CONDITIONS WARRANT SUCH SERVICES?

Yes.

WHAT HANDICAPPING CONDITIONS NECESSITATE YEAR ROUND EDUCATIONAL SERVICES?

Essentially those children with severe and profound mental retardation. Summer educational services are offered to 100% of these pupils. Pupils with other handicapping conditions may also enroll in summer school but a much smaller percentage of these pupils do enroll.

IS YOUR LEA PLANNING TO OFFER YEAR ROUND SERVICES TO CHILDREN WITH SPECIFIC HANDICAPPING CONDITIONS IN THE FUTURE?

Yes.

ARE YOU AT PRESENT MAKING PROVISIONS TO PROVIDE A YEAR ROUND EDUCATION FOR THOSE HANDICAPPED CHILDREN FOR WHOM IT HAS BEEN DETERMINED THERE EXISTS THE NEED FOR CONTINUOUS EDUCATIONAL SERVICES?

Yes. However, a major criteria for determining the need for continuous educational services is the extent to which this is necessary to provide equity for handicapped children with non-handicapped children.

20. SHOULD PHYSICIANS BE INCLUDED IN THE ANNUAL REVIEW?

No, unless they have something significant to contribute to the annual review.

IF SO, FOR WHAT TYPES OF HANDICAPPING CONDITIONS?

For those handicapping conditions which require the expertise of a physician in order to make an appropriate educational decision about a pupil.

Senator **Randolph**. I think it follows.

We thank you very much for counseling with us, and you are going to answer questions we will have for you in writing.

We next have Dr. Joseph Hannon——

Mr. **Dunworth**. Senator Randolph, I am Gene Dunworth. Dr. Hannon respectfully submits his regrets, due to a budgetary consideration——

Senator **Randolph**. I'm sorry. I didn't realize that. I guess we didn't have that information.

Now, your name is——

Mr. **Dunworth**. Gene Dunworth, and I represent the city of Chicago.

I have a son that just left Martinsburg, W. Va. He was the city manager there for about 4 years, and he went north to New Jersey. I think he has spent some time with the good Senator on problems concerning Martinsburg, W. Va.

Senator **Randolph**. That's right.

## STATEMENT OF GENE DUNWORTH, ADMINISTRATOR, FEDERAL AND STATE RELATIONS, BOARD OF EDUCATION, CHICAGO, ILL.; ON BEHALF OF DR. JOSEPH P. HANNON, GENERAL SUPERINTENDENT OF SCHOOLS, BOARD OF EDUCATION, CITY OF CHICAGO

Mr. **Dunworth**. Dr. Hannon and the city of Chicago are concerned with the problem. As a large city, the budget of the city of Chicago is $1.3 billion, and the budget for handicapped education amounts to $149 million.

Now, the estimated shortfall for the city resulting from the current public law, the excess costs, is $18 million. Now, when President Ford at that time signed this law, he said it obviously promised more than the Federal Government could or would deliver.

Now, since the enactment it has become quite evident that the implementation places an impossible and impracticable burden on a local school system like Chicago's. Indeed, States like Illinois and large cities likened to Chicago basically are forerunners in providing services for the handicapped child, and appear now to be penalized. The inadequate appropriations of Congress, coupled with the restrictions statutorily and the regulations therefrom, have placed local school districts in the position of disservice to the handicapped child and to the parents they so look forward to serving.

Now, to capsulize Dr. Hannon's statement, I will highlight just a few of the issues.

In spite of increased sophistication in testing since the passage of this law, nondiscriminatory testing is not yet a reality. Children who are limited in English, culturally disadvantaged, multiply or severely vision- or hearing-impaired, or physically handicapped, require more specialized diagnostic personnel and procedures. The Illinois regulations limit the period from referral to IEP meetings to 60 days. A relief in consideration of a child's condition is recommended. That is part of the State plan that has been approved by Dr. Martin of BEH.

After evaluation, the requirements for determining eligibility and writing the individualized education program are the same in spite of varying handicapped conditions and needs for service of the child.

For example, a learning disability child who needs speech and language service only 30 minutes a day, a hospitalized or homebound child, a profoundly retarded child, all require the same type of IEP meetings as written. The instructional activity to all children is being disrupted to permit staff to attend these meetings.

The paperwork that Senator Jennings Randolph and Mrs. Schomp discussed, and the numbers of persons and sometimes additional meetings are placing undue hardships and handicaps on the professional staff.

The provision of substitutes to cover classes is an excessive financial burden. We hope that we have worked it out in Chicago, but we're still at the point of discussion. We recommend that components of the IEP be reconsidered for children spending less than 50 percent of their schoolday in a special educational program.

Chicago further recommends that for initial services, the short-term objectives of IEP's be rewritten to allow within 30 schooldays after special ed has been initiated rather than 30 days before. The objectives will be more specific to the child and useful to the staff.

The interagency participation of the department of children and family services, mental health, vocational rehabilitation, have abdicated financial responsibility, locally, in serving the school-age child. Some emotionally disturbed children, for example, may need placement and treatment because of the home family conditions. Agencies are now indicating that financial responsibility rests purely and solely with the schools.

Although regulations indicate school districts are not necessarily expected to assume all costs, jurisdictional uncertainties exist at this time. Due process and court procedures eventually force the entire responsibility upon the schools. This year's costs range from $3,500 to $41,000 per child when residential costs are involved. School districts should be responsible for educational costs only. They have ranged from $2,500 to $6,000 per child. We recommend that these other agencies, State, county, and local, assume the costs of placement and treatment, which was the intent of the legislation.

Now, some services are necessary to the education of the child. Some types of service enhance the program, but are not absolutely necessary. In spite of the efforts of Congress to the contrary, the question of being held accountable to provide exactly what is written on the IEP has not been resolved. The definitions are still wanting.

For example, if the teacher is using art and other activities to teach a child with perceptual motor problems, is a related service of art therapy a basic requirement? Again, due process procedures in this regard place tremendous burdens on the local staff in Chicago.

Due process hearings are presently costing from $153 to $1,500 per hearing. Serving the underserved public, private, and the nonprofit schools in Chicago has resulted in a financial burden to the school district. Federal appropriations for this program have to be increased. The whole idea of mandating programs, federally and statewide, have always given local educators and local government officials a burden that is beyond the realm of description and more than just cost. To give less than full support to a mandated program, which we all applaud, is to erode service to the children of this Nation.

Senator Randolph, may we again thank you for the opportunity to appear. The subject is of vital concern to Chicago, to the children, to the parents, and the need in our city is obvious. I am fully cognizant, hopefully, of your consistent concerns and interest in holding these oversight hearings. Your deliberations we know will address favorably the points presented this morning.

Thank you very much.

Ms. FORSYTHE. Thank you very much, Mr. Dunworth. I regret that Senator Randolph has been called out of the room. He is just in the next office and will be back here shortly.

He wanted me to tell you he has questions for you, and they will be given to you, if you would please answer them in writing.

Mr. DUNWORTH. Fine. Ms. Griffin explained that to me at the outset.

Ms. FORSYTHE. Thank you both very much.

Mr. DUNWORTH. Thank you.

Ms. SCHOMP. Thank you.

[The prepared statement of Dr. Hannon submitted for the record follows:]

STATEMENT OF

Dr. Joseph P. Hannon

to

THE SENATE SUBCOMMITTEE ON THE HANDICAPPED

of

THE SENATE LABOR AND HUMAN RESOURCES COMMITTEE

with respect to

THE OVERSIGHT HEARINGS ON

PUBLIC LAW 94-142

October 10, 1979

Dr. Joseph P. Hannon
General Superintendent
of Schools
Board of Education
City of Chicago

SENATOR RANDOLPH AND MEMBERS OF THE SENATE SUBCOMMITTEE ON THE HANDICAPPED, I AM JOSEPH P. HANNON, GENERAL SUPERINTENDENT OF THE CITY OF CHICAGO SCHOOL DISTRICT. I APPRECIATE THE OPPORTUNITY TO OFFER TESTIMONY AT THIS OVERSIGHT HEARING ON PUBLIC LAW 94-142, THE EDUCATION FOR ALL HANDICAPPED CHILDREN ACT OF 1975.

THE SCHOOL SYSTEM I REPRESENT IS THE THIRD LARGEST IN THE UNITED STATES. ITS SCHOOL POPULATION IS 475,000 WITH 620 FACILITIES, 28,000 TEACHERS, AND 22,000 CAREER SERVICE PERSONNEL. THE PRESENT TOTAL SCHOOL BUDGET IS 1.3 BILLION DOLLARS. MAIN SOURCES OF REVENUE ARE PROPERTY TAXES, STATE AID, AND SOME FEDERAL ASSISTANCE. THE 1980 FISCAL YEAR BUDGET FOR HANDICAPPED EDUCATION AMOUNTS TO $149 MILLION DOLLARS. THE ESTIMATED SHORT FALL RESULTING FROM THE CURRENT FEDERAL PUBLIC LAW IS 18 MILLION DOLLARS.

WHEN PRESIDENT FORD SIGNED 94-142 INTO LAW, HE SAID IT PROMISED MORE THAN THE FEDERAL GOVERNMENT COULD DELIVER. SINCE ITS PASSAGE, IT HAS BECOME EVIDENT THAT THE IMPLEMENTATION PLACES AN IMPOSSIBLE AND IMPRACTICAL BURDEN ON LOCAL SCHOOL SYSTEMS. INDEED, STATES LIKE ILLINOIS AND LARGE CITIES LIKE CHICAGO - BASICALLY FORERUNNERS IN PROVIDING SERVICES FOR HANDICAPPED CHILDREN - APPEAR NOW TO BE PENALIZED. THE INADEQUATE APPROPRIATIONS OF CONGRESS, COUPLED WITH THE RESTRICTIONS IN STATUTE AND REGULATIONS, HAVE PLACED LOCAL SCHOOL DISTRICTS IN THE POSITION OF DISSERVICE TO THE HANDICAPPED CHILDREN AND THE PARENTS THEY SO LOOKED FORWARD TO SERVING.

LET ME CITE FOR YOU WHAT IS HAPPENING IN OUR CITY: -

## CHILD IDENTIFICATION/EVALUATION:

IN SPITE OF INCREASED SOPHISTICATION IN TESTING SINCE THE PASSAGE OF THIS LAW, NONDISCRIMINATORY TESTING IS NOT YET A REALITY.

CHILDREN WHO ARE LIMITED IN ENGLISH, CULTURALLY DISSADVANTAGED, MULTIPLY OR SEVERELY VISION OR HEARING IMPAIRED, OR PHYSICALLY HANDICAPPED, REQUIRE MORE SPECIALIZED DIAGNOSTIC PERSONNEL AND PROCEDURES. THE ILLINOIS REGULATIONS LIMIT THE PERIOD FROM REFERRAL TO INDIVIDUALIZED EDUCATION PROGRAM MEETINGS TO 60 DAYS. A RELIEF IN CONSIDERATION OF CHILD'S CONDITION IS RECOMMENDED.

INDIVIDUALIZED EDUCATION PROGRAM MEETINGS:

AFTER EVALUATION, THE REQUIREMENTS FOR DETERMINING ELIGIBILITY AND WRITING THE INDIVIDUALIZED EDUCATION PROGRAM ARE THE SAME IN SPITE OF VARYING HANDICAPPING CONDITIONS AND NEEDS FOR SERVICE. A "LEARNING DISABILITY" CHILD WHO NEEDS SPEECH AND LANGUAGE SERVICE ONLY 30 MINUTES A DAY, A HOSPITALIZED OR HOMEBOUND CHILD, A PROFOUNDLY RETARDED CHILD, ALL REQUIRE THE SAME TYPE OF INDIVIDUALIZED EDUCATION PROGRAM MEETING AND WRITTEN I.E.P. INSTRUCTIONAL ACTIVITY TO ALL CHILDREN IS BEING DISRUPTED TO PERMIT STAFF TO ATTEND THESE MEETINGS. THE EXCESSIVE PAPER WORK AND THE NUMBERS OF PERSONS AND SOMETIMES ADDITIONAL MEETINGS ARE PLACING UNDUE HARDSHIPS ON STAFF. THE PROVISION OF SUBSTITUTES TO COVER CLASSES IS AN EXCESSIVE FINANCIAL BURDEN. WE RECOMMEND THAT COMPONENTS OF THE I.E.P. BE RECONSIDERED FOR CHILDREN SPENDING LESS THAN 50 PERCENT OF THEIR SCHOOL DAY IN SPECIAL EDUCATION. WE FURTHER RECOMMEND THAT FOR INITIAL SERVICE, THE SHORT TERM OBJECTIVES OF THE INDIVIDUALIZED EDUCATION PROGRAM BE WRITTEN WITHIN 30 SCHOOL DAYS AFTER SPECIAL EDUCATION HAS BEEN INITIATED RATHER THAN 30 DAYS BEFORE. THE OBJECTIVES WILL BE MORE SPECIFIC TO CHILD AND USEFUL TO TEACHER.

### INTERAGENCY COOPERATION:

PUBLIC AGENCIES SUCH AS DEPARTMENT OF CHILDREN AND FAMILY SERVICES, DEPARTMENT OF MENTAL HEALTH, VOCATIONAL REHABILITATION, HAVE ABDICATED FINANCIAL RESPONSIBILITY IN SERVING SCHOOL AGE CHILDREN. SOME EMOTIONALLY DISTURBED CHILDREN, FOR EXAMPLE, MAY NEED PLACEMENT AND TREATMENT BECAUSE OF HOME CONDITIONS. AGENCIES ARE NOW INDICATING THAT FINANCIAL RESPONSIBILITY RESTS WITH THE SCHOOL DISTRICT. ALTHOUGH REGULATIONS INDICATE SCHOOL DISTRICTS ARE NOT NECESSARILY EXPECTED TO ASSUME ALL COSTS, JURISDICTIONAL UNCERTAINTIES EXIST. DUE PROCESS AND COURT PROCEDURES EVENTUALLY FORCE THE ENTIRE RESPONSIBILITY UPON THE SCHOOLS. THIS YEAR'S COSTS RANGE FROM $3,520 to $41,000 PER CHILD WHEN RESIDENTIAL COSTS ARE INVOLVED. SCHOOL DISTRICTS SHOULD BE RESPONSIBLE FOR EDUCATIONAL COSTS ONLY. THESE HAVE RANGED FROM $2,500 to $6,000 PER CHILD. WE RECOMMEND THAT OTHER AGENCIES SHOULD ASSUME THE COSTS OF PLACEMENT AND TREATMENT.

### RELATED SERVICES:

SOME SERVICES ARE NECESSARY TO THE EDUCATION OF CHILDREN. SOME TYPES OF SERVICE ENHANCE THE PROGRAM BUT ARE NOT ABSOLUTELY NECESSARY. IN SPITE OF THE EFFORTS OF CONGRESS TO THE CONTRARY, THE QUESTION OF BEING HELD ACCOUNTABLE TO PROVIDE EXACTLY WHAT IS WRITTEN ON THE INDIVIDUALIZED EDUCATION PROGRAM HAS NOT BEEN RESOLVED. FOR EXAMPLE, IF THE TEACHER IS USING ART AND OTHER ACTIVITIES TO TEACH THE CHILD WITH PERCEPTUAL MOTOR PROBLEMS, IS A RELATED SERVICE OF ART THERAPY A REQUIREMENT? AGAIN, DUE PROCESS PROCEDURES IN THIS REGARD PLACE HARDSHIP UPON LOCAL STAFF.

### COST - MEETING THE MANDATES OF PUBLIC LAW 94-142 ARE EXTREMELY EXPENSIVE:

DUE PROCESS HEARINGS ARE COSTING FROM $153 TO $1,500 PER HEARING.

SERVING UNDERSERVED PUBLIC, PRIVATE AND PAROCHIAL SCHOOL CHILDREN HAS RESULTED IN A FINANCIAL BURDEN TO THE SCHOOL DISTRICT. FEDERAL APPROPRIATIONS FOR THIS PROGRAM MUST BE INCREASED. TO GIVE LESS THAN FULL SUPPORT TO A MANDATED PROGRAM IS TO ERODE SERVICE TO THE CHILDREN OF OUR NATION.

SENATOR RANDOLPH AND MEMBERS OF THE COMMITTEE, MAY I AGAIN THANK YOU FOR THIS OPPORTUNITY TO APPEAR BEFORE YOU. THE SUBJECT IS VITAL TO THE SCHOOL CHILD IN NEED IN OUR CITY AND I AM FULLY COGNIZANT OF YOUR CONCERNS AND INTEREST. YOUR DELIBERATIONS, I KNOW, WILL ADDRESS FAVORABLY THE POINTS PRESENTED IN MY STATEMENT.

Ms. Forsythe. Our final witnesses will be Dr. Philip Cartwright and Dr. Victor Baldwin.

You have heard Senator Randolph, the chairman of the subcommittee, explain that there is a matter of pressure of time now. He will be joining us just as soon as he finishes his emergency meeting.

Would you please proceed, Dr. Baldwin.

## STATEMENT OF DR. VICTOR L. BALDWIN, DIRECTOR, TEACHING RESEARCH DIVISION, OREGON STATE SYSTEM OF HIGHER EDUCATION, MONMOUTH, OREG.

Dr. Baldwin. I apologize for being out of the room. Senator Hatfield came by and wanted to say hello for just a second. I wanted to take the opportunity to tell him that it is 85 to 90 degrees in Medford and Salem, Oreg., today, and I'll be catching a plane just as soon as I can. [Laughter.]

The general area I want to speak about today has to do with the inservice training. I have tried to build a case in this very short paper that I think there are a couple of areas in which we are in dire need of additional inservice training. One I think is probably the obvious, and that is with the regular class teachers who are so frustrated with the inclusion of these children in their program. We have a need to get out there and assist them immediately.

We are doing some of that, but we need to do more.

Second, there is the other group which I am most vitally concerned about, and that is the severely handicapped child, who is also now being removed from the institutional settings into the public school arena, where the student I think ought to be for the most part. But we are faced now with the problem of special education teachers, who are also well-meaning and well-trained for the most part, but still do not have sufficient information, background, and expertise to handle these extremely difficult students. So we have spent a great deal of our energy designing inservice approaches to give people to work with these students.

As a result of that set of experiences, some things have become rather obvious to me that I think need to be shared with this committee. One is, I think for the most part, most inservice is really bad. I am abhorred by this stuff that I see—that is what we refer to, this 1-hour—what we refer to affectionately as the "dog and pony show", which virtually isn't any good for anybody. It gets people hopped up for a short period of time; they leave and haven't learned a lot. We are going to have to be a little more intensive in our inservice approach.

As a matter of fact, our biases would suggest you have to be a lot more intensive than that, that, in fact, when possible, you should actually use demonstrations. When you use demonstrations and you're with a higher education institution, you automatically open the door to a couple of problems.

One of those problems is, if you are doing this in the public school arena, and in public school classrooms, the difficulty comes in being able to use people or have people come for training outside of that district. We have run into this problem time and time again. The public schools want very much to get involved in inservice training. In many cases, they do a very good job. But they're getting a little parochial about their approach.

If you're training somebody across the other side of the district, that's fine; if you're training somebody from a neighborhood district, maybe; if you're developing a model that really works and you want to be able to show that in a demonstration sense, and you're bringing people in from other parts of the country to receive that kind of training, then typically, if the whole responsibility is left up to the LEA, the local education agency, there's a problem. Most school boards, rather rapidly, will say "it's not my job; our job is direct service and the job of training is higher education."

On the other hand, if you're in higher education and you want your demonstrations in your higher education setting, you are immediately tagged because of lack of reality, and I think there's a lot of truth in that; that is, you're not faced with the hard-line issues, the day-to-day kind of things we face in the public schools. Obviously, I believe the solution has to be somewhere in between, where, in fact, the institutions of higher education are, in fact, working closely with, if you will, the public schools and doing those demonstrations in those sites for inservice purposes, therefore developing models not only for the people in that immediate district, but replicating and getting ripple effects from that. I think it is an efficient way to go about the inservice scheme.

I would also like to comment that in order to do that effectively it costs money, there's no two ways about it. There are moneys set aside to produce preservice and inservice training; the State Department has some of its money that it pours into it; the Bureau has dollars set aside in D for that. But I would argue that our problem is extremely large and I would encourage this group to recommend, as much as possible, an increase in those inservice dollars. And if they had to be tied to anything, I would encourage you to tie them to quality. I think it's extremely important they be tied to quality, and I guess what I mean by quality is assuming my own biases, which says that inservice training has got to be accountable for what kind of results it produces.

I have submitted to you, and it's in the record, a study which we did in this. It is there for you to look at. I am very pleased with this study. I think it's one of the first times that anybody has ever been able to document that, as a result of inservice training you can, No. 1, not only change teacher behavior, but that it will result in an improvement in kids.

I think we have been accused of not knowing that in the past, and I think maybe we didn't know that for sure. But we have some data now that I am very proud of, that suggests that as a result of intensive inservice training, which takes in our own case—and there's a lot of other ways to approach it—but in our own case, it takes a week, a week long of hands-on, very intensive training. As a result of that, I can get measurable, demonstrable teacher change at the end of that week, and we can document that.

I was also very lucky in the State of Oregon, since we have this statewide assessment procedure for all of our handicapped kids, I was able to trace a lot of those kids, of teachers who had not received that kind of training, who are operating on a different level, and determined that as a result of our inservice training, those kids now learn at a significantly higher level than the ones who did not receive that training. So it says a lot of things, I think, for the kind of approach we use. There are other approaches that are as effective as ours, but it does finally demonstrate with inservice training, intensive in nature, demonstration in nature, with followup, and an adherence to a data collection procedure, you can document your results and I think you have the accountability built in that needs to be built into the inservice approach.

So that is a very quick overview of the kinds of things that I have tried to submit here, along with I guess one other bias that I have—and I still do firmly believe that consortiums will work, that agencies can, in fact, work together, that it just requires a little good leadership. It can happen that you bring mutual resources to attack a problem, and one that Ms. Forsythe, that I mentioned to you earlier, particularly regarding the severely handicapped, hearing-impaired and that work that we operate.

We have been able to establish centers in Kansas, in Wisconsin, the two in New York and one in Texas, and our own in Oregon to work together, I think very effectively, on the issue of training personnel, to work with severely handicapped children with hearing impairments. It worked, and we have each shared from each other. I see no reason why more of these consortium efforts cannot work, particularly when you're focusing in on a low-incidence population, that it can't be put together and work.

So, with that, in closing, I would like to complete my remarks by saying inservice is a real thrust that is needed, and it's going to cost bucks. The answers are there. There are strategies. We don't have to rediscover a lot of wheels. There are answers there to do it. We have just got to get it put into place and into operation.

Thank you.

[The prepared statement of Dr. Baldwin, with attachments, follows:]

TEACHING RESEARCH
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MEMORANDUM

TO: Senator Jennings Randolph, Chairman
Subcommittee on the Handicapped

FROM: Dr. Victor L. Baldwin, Director
Teaching Research Division
Oregon State System of Higher Education

RE: Testimony on Public Law 94-142

DATE: September 10, 1979

Thank you very much for the opportunity to comment on the implementation of Public Law 94-142. The staff of the Subcommittee have indicated to me that I should direct my comments toward personnel preparation and staff training as it relates to implementation of the law. In this brief paper, I will try to indicate what I feel are some of the present issues that must be dealt with if the total implementation of Public Law 94-142 is going to be successful, with particular emphasis on staff training.

At the present time I see two major issues that have been brought about as a result of Public Law 94-142 that are creating some problems in the full implementation of the law. The first issue has to do with the lack of preparedness of the regular class teachers to work with the handicapped students. The law has served as the catalyst for a great deal of emphasis to be placed on the placement of handicapped children in the regular class for as much time as possible. With additional exposure to regular education programs the handicapped student becomes more and more the responsibility of the regular class teacher.

The Oregon State System of Higher Education is comprised of Oregon State University, University of Oregon, including The Medical and Dental Schools, Oregon College of Education, Southern Oregon State College, Eastern Oregon State College, Oregon Institute of Technology, Portland State University, Division of Continuing Education and Teaching Research Division.

Many regular class teachers are not adequately prepared to accept this responsibility. There are many techniques and educational strategies that have been developed over the years that are successful with handicapped students. Regular education personnel need information on how to design and implement individualized educational programming within their classroom/group orientation. They need to have access to and knowledge on how to use the various educational materials that are best suited for this population. They need to know how and when to use other personnel resources to assist in the total education process. Working with behavior problems is something that any classroom teacher is faced with, however, many times these problems are compounded when dealing with a handicapped student. All of these and more, are areas in which regular class teachers feel unprepared.

We recently conducted a study in the State of Oregon with regular class teachers to get their perceptions of how they felt about their own preparation. In the case of this particular study, we were asking teachers to rate themselves as to whether they were prepared to carry out the tasks required by Public Law 94-142. We then gave them a series of examples to make the ratings against such as; interpret diagnostic information, help prepare IEP's, use IEP's to guide instruction, conference with parents, manage classroom aides, etc.

The results yielded some interesting findings. When the teachers were categorized by groups into elementary, junior high or senior high instructors, there was a consistent increase in the perceptions of being unprepared in the higher grades. For example, 77.8 percent of the senior high teachers felt that they were unprepared to help develop IEP's for handicapped students. The elementary teachers, on the other hand, indicated that about 50 percent of them felt unprepared (although that is less than 77 percent, it still indicates lack of preparedness). When these data were examined further by stratefying the three categories of teachers across three additional variables, the size of the school (small, medium and large), another interesting finding became apparent. The larger the district, the higher the percent of teachers that felt unprepared to carry out the tasks required by Public Law 94-142.

Based on this study in Oregon, we definitely feel we must increase our energies toward working with the regular class teacher. This is consistent with other statewide planning activities, the State's Comprehensive Personnel Development Plan, and also follows the federal efforts of the Bureau of Education for the Handicapped (B.E.H.) and their priority of providing inservice to regular educators.

A second major difficulty in getting all school districts to be in compliance with 94-142 is the present influx of severely and profoundly handicapped students into the public school arena. The numbers of these students being referred from residential settings to the public schools is definitely on the increase. Many of these students bring with them unique medical, physical, and educational problems that have rarely been dealt with in the public school setting and therefore have remained unserved. Many special education teachers do not have sufficient background and training in how to work with these more profoundly handicapped students, resulting in the quality of education being offered as questionable. As

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with the previous issue concerning regular educators, the issue of educating the more severely handicapped and particularly the unserved severely handicapped, is not only a priority of B.E.H., it is major concern of our own State Department of Education.

The immediate solution to both of these problems would appear to me to be more and better inservice training. When I speak of inservice training I am not talking about one hour lectures over the noon hour, or attending a series of short lectures by "experts," or relying solely on written material to accomplish the training. The delivery of adequate inservice requires as much technological expertise as designing an appropriate educational intervention program for handicapped students.

The tasks to be taught during inservice must be carefully examined to insure that they can, in fact, be taught. The amount of time required for the training must be realistically compared against the tasks. What experiences are to be included in the inservice training to assure that there has been an opportunity to teach? And most importantly, how can you monitor the inservice activities to determine the impact of training. Done correctly, the strategy closely approximates the procedures required to develop an educational intervention program.

It is my personal belief that most inservice programs throughout all education fall short in meeting these criteria. We have worked very long and hard at designing an inservice approach that will result in not only changing teacher behavior but also yield improvement in student performance. We have tried a variety of approaches to teaching concepts to professionals, paraprofessionals and parents that varies from the one hour short lecture approach, the short term seminar, to a hands-on demonstration.

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We are now convinced that through a careful mixture of presenting didactic materials immediately followed by hands-on experiences that are observed and monitored, it is possible to achieve some dramatic changes in teacher behavior over a short period of time (one week). We have subsequently used our demonstration approach with large numbers of teachers, aides, and parents. Inherent in our inservice system is the concept of follow-up. Not only do we measure carefully the impact of learning during the demonstration and hands-on phase of the training, but we also follow the trainee back to his or her site for further technical assistance and evaluation. If we can possibly arrange it, we will follow this with a second visit six to eight months after training is completed.

The point of this whole discussion is to state very clearly that a technology for inservice training is available and is not just a dream that is yet to be discovered. Included with this testimony is a document that specifies in great detail a study that we undertook to show the impact of inservice training. To my knowledge this is one of the few studies ever reported that can directly link the results of inservice training to change in teacher behavior which subsequently results in a significant improvement in the learning of students in those teachers' classrooms.

The study reporting the results of our inservice training describes a set of procedures that are dependent upon a demonstration site. It is possible to create these demonstration sites in a variety of ways. We have found that the best practice is to use an actual school site. This immediately creates some difficulties. In most cases the public school system will tolerate the delivery of inservice training within their buildings as long as it directly effects other personnel from the immediate district. As soon as the inservice training spreads beyond taking people in from the immediate district, problems begin. Most school boards feel that the primary reason for their existence is to provide direct service to students and that training is not their responsibility. As a matter of fact, it belongs to higher education.

This dilemma is largely overcome if the beneficiaries of the training remain at the local level. In many cases, however, we would argue that is is not economical to recreate the demonstration sites in every school where you wish to train personnel and in fact it should be possible to create training sites that other personnel could come to. If this is done strictly in a university or college setting, it is often referred to as "unrealistic" as it is not viewed as having the same constraints as the public school system.

One obvious solution to this inservice dilemma would seem to be establishment of a closer working relationship between the college and university programs and the public schools. If training is going to remain the major responsibility of the university education programs and school districts are still the direct service provider, it would appear that a combined effort is the only logical way to go. If this arrangement is agreed to, there would be two additional issues to be resolved. The first will be that much of the work conducted by the university staff will have to be conducted away from the university campus. Secondly, the direct

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service delivery that goes on within the public school arena will have to suffer some minor interruptions while the training procedures are being developed but it should not interfere with the overall quality of education being given to the students.

Another example of focusing the energies of several resources on a singular problem is through the establishment of consortiums. Consortiums allow for the resources of several organizations to be shared across a variety of settings. Theoretically this allows for development of an end product that reflects the best attributes of any and all of the consortium resources.

A good example of the effectiveness of a consortium effort focused on an inservice training problem can be seen in the attached newsletter. This newsletter describes a consortium that has been established through a cooperative effort of Teaching Research, the University of Kansas, the University of Wisconsin, the Madison Public Schools, Lexington School for the Deaf in New York, Roosevelt Hospital in Manhattan, and the Texas State School for the Deaf. This consortium was established to attack the need for training programs for personnel to work with the hearing impaired/severely handicapped. There have been large numbers of people identified with hearing impairments that also have other types of handicaps, that are not presently being adequately educated. There is also no intensive effort by any organization to focus on training of staff to work with these students. Therefore, by establishing a consortium that consists of recognized experts in the field of deaf education, speech and hearing, language, special education, and medicine, it is possible to develop a series of demonstration/training sites, in each of the settings, that borrows from each of the individual sites' expertise.

At the present time this network is operational and offering coordinated training programs across the country.

## SUMMARY

There is an immediate need for an increase in the amount of inservice training made available for regular class teachers and special education teachers who work with the severely handicapped and other unserved children. In providing the means for this inservice training, it should be stressed that only quality programs that include emphasis on giving teachers new skills with a commitment to monitoring the impact of such training should be supported. The technology for providing inservice training that can be held accountable for producing measurable and desirable results, is available. Training should be tightly tied to needs assessment procedures to assure that the training offered is relevant to the actual deficits.

In most cases a cooperative effort between the local public school system and the institutions of higher education should be encouraged. They both bring unique aspects to the problem and can be much more effective when working cooperatively on the issues at hand.

Program Area: Education for the Moderately to Profoundly Handicapped

I. Project Title: Inservice Training in the Data Based Classroom Model for Severely Handicapped Children, Teaching Research Infant and Child Center

II. Project Directors: Victor L. Baldwin and H. D. Bud Fredericks

III. Source and Level of Funding:

| | Federal |
|---|---|
| 1974 - 75 | 33,527 |
| 1975 - 76 | 27,729 |
| 1976 - 77 | 29,821 |

IV. Program Start Date: July, 1974

V. Brief Description of Project:

One of the major functions of a national demonstration project is to be able to design educational intervention procedures that produce a significant impact on improvement in student performance and subsequently demonstrate that these techniques can be generalized to other educational settings with similar results. In order to accomplish the second half of this commitment it is necessary to develop a specific set of inservice training procedures that insure other professionals can learn how to implement the educational model. Data are submitted to demonstrate the effectiveness of the classroom model. However, this submission seeks to validate the inservice training procedures utilized to replicate the Teaching Research Classroom Model in other settings.

The Teaching Research Infant and Child Center classroom serves moderately, severely and profoundly handicapped students of various diagnoses, ages 8 to 18 years. Included are students classified as mentally retarded, cerebral palsied, autistic, emotionally disturbed, and deaf/blind. One of the purposes of the classroom is to demonstrate the feasibility of non-categorical education of handicapped students.

The classroom is formulated on the principle of individualization of programs within the context of a comprehensive curriculum emphasizing self-help, practical living, motor, language, and cognitive skill development. The classroom is certified by the Oregon Department of Education and is in part funded by local school districts. The model classroom is designed to serve 14 students with a teacher and two aides and utilizes volunteers and parents to assist in the instruction of the students.

THE DATA BASED CLASSROOM MODEL. The model, replicated in classrooms throughout the United States, has been described in A Data Based Classroom for Moderately and Severely Handicapped Children (Fredericks, et al., 1977). The model utilizes two curricula, the Teaching Research Curriculum for the Moderately and Severely Handicapped (Fredericks, et al., 1976) and The Teaching Research Curriculum for Adolescents and Adults (Fredericks, et al., to be published). Both are based upon the principles of developmentally sequenced materials and task analysis of the skills to be learned. Priorities for determining which skills will be taught to students are derived from a pretest that contains items selected from the curricula. The skills to be taught are prioritized by the parent and educational staff with emphasis on those skills which will assist the student to function more effectively in society. Since inadequate language and motor skills are the two most visible indicators of a handicapping condition, concentration is focused on these areas. After specific priorities are established, the student is placed in one or more curricular areas - self-help, motor, language, cognitive, and practical living skills.

Self-help skills include dressing, eating, toileting, and personal hygiene plus more advanced stages of self-care. The motor curriculum includes the entire range of basic motor movements from tone normalization and trunk righting, to walking, running, and jumping. Fine motor skills as well as recreational skills (e.g., swimming, throwing and catching a ball) are included. In addition, some standard physical education activities designed to improve strength and stamina comprise part of the motor program. The language curriculum includes both expressive and receptive language. For some students, total communication, integrating manual and oral approaches, is used for language instruction.

Practical living skills include budget and money management, time telling, food purchase and preparation, clothing selection and care, sedentary and physical recreational activities, socialization and sex education.

The teaching of students must include the management of their social behavior. Inappropriate behavior which interferes with the learning process must be eliminated before effective teaching can occur. Thus, if inappropriate behaviors are exhibited by a student, the initial teaching efforts must remediate these behaviors.

Because of the severe and profound handicapping conditions of many of these students, individualized instruction is emphasized. The model makes a distinction between individualized programming and individualized instruction. Basically, individualized programming refers to placing the student in a curriculum based on functional ability, while individualized instruction implies a one-to-one teaching relationship. When group instruction occurs, the interactions are designed for each student's individual instructional program. In this model, group instruction is provided by the teacher or aide.

Trained volunteers assume an important instructional role in this model. Nearly all of the one-to-one teaching is conducted by these volunteers. Before they are given any instructional responsibilities the volunteers are taught the proper way to deliver instruction for a particular educational task and taught to record the student's correct or incorrect responses. The maintenance of the quality of volunteers' instructional skills is monitored regularly by the teacher. A volunteer is either rotated among the students to teach a specific subject area or is assigned to one or two students and conducts programs across a variety of curricular areas for those students.

A necessary component in successfully using volunteers in the instructional process is the establishment of individual instructional programs for each student. A program prescribes the skill to be taught, the way in which the materials are to be presented and the feedback to be given to the student. Specific recording procedures to measure student performance on each program are prescribed and implemented. If the data show, or the volunteer indicates verbally that the student is having difficulty learning a particular program, the teacher attempts the prescribed instruction and determines if alterations are needed in sequencing, cue presentation, or feedback procedures. In all cases these educational decisions are made by the teacher based on student performance data that have been collected. These data provide the information needed by the teacher to determine the appropriate instructional level for each of the student's individual programs for the following day.

One of the assumptions of the model is that handicapped students learn in much the same way as non-handicapped students, only more slowly. Therefore, these students require more rather than less schooling when compared to normal students. The use of volunteers expands the amount of instructional time available in the classroom. Another attempt to expand the classroom day is to extend it into the home by teaching parents, foster parents and group home providers to serve as teachers. Utilizing the same training methods used to train volunteers, the teachers instruct the home providers in techniques to teach their children. Individual instructional programs, chosen by the parent and teacher to be taught in the home, are coordinated with programs in the school. Teaching periods in the home vary from 10 to 30 minutes daily. Performance data are collected in the home and sent back to the school the next day. These data allow the teacher to continue to make timely educational decisions.

The physical facilities for the classroom at Teaching Research include a large work area where children can have free time or where the teacher or aide can conduct group instruction. In addition to the large area, five individual instructional areas are provided. These are minimum requirements and local educational agencies that have adopted the model have had no trouble in locating similar facilities.

To date there have been more than 300 teachers trained in this model. The following is a brief description of the Inservice Training Model and data illustrating the degree of implementation and impact by those who have received training.

THE INSERVICE TRAINING MODEL. The Inservice Training Model includes both demonstration center and follow-up training. The first portion of the two part training involves participation in a five day training session at the demonstration center in Monmouth, Oregon. This training provides structured practicum experiences supplemented by small group seminars. During the five day session trainees complete nine objectives which are designed to develop competencies that will assist in their replication of the model. Criterion levels for evaluation of each objective have been specified (see Table I).

Day one of the training week is devoted to orientation and observation of the demonstration classroom operated by the training staff. This observation period provides the trainee with an opportunity to see the model functioning in its entirety and provides a reference point as the model is dissected during the remainder of the week.

During days two through five the trainees participate in a four hour practicum in which they have the opportunity to perform each of three classroom roles: teacher, aide and volunteer. It should be emphasized that these practicum experiences are highly structured and follow a format of:

1. Demonstration of the task or role by a staff trainer.
2. Preparation for the task or role under the guidance of a staff trainer.
3. Performance of the task or role by the trainee.
4. Formal observation and feedback to the trainee on a frequent basis.

For ten minutes out of each 30 minutes during the four hour daily practicum period, each trainee is formally observed in their interactions with children. The trainee's performance is recorded on an observation form and at the conclusion of the observation his/her teaching performance is reviewed with him/her. In addition, each trainee has a practicum in the administration of a placement test in the curriculum and a practicum in pinpointing and baselining an inappropriate behavior.

In the afternoon sessions trainees are taught how to examine and analyze the data collected on individual prescriptive programs and how to make educational decisions for each child's program for the following day. Small group seminars, each emphasizing a component of the model, are also presented each afternoon. Finally, the trainees prepare for the practicum experiences of the next day.

The second portion of the training program at the Teaching Research Infant and Child Center involves follow-up visits conducted at the trainee's own site. These visits are made by the same staff that conducted the training sessions at Teaching Research. Follow-up visits are scheduled eight to twelve weeks after the completion of the one week training session and again at 24 to 28 weeks after training. These follow-up visits are designed to measure maintenance of specific skills acquired during the training session, implementation of components of the Data Based Classroom Model that had been presented, and to provide assistance with any difficulties the trainees might have in the application of methods and materials learned during the five day training session.

For the purposes of measuring the degree of implementation of the Data Based Classroom Model, ten separate components have been defined. Each component has been carefully described on a rating sheet that includes how the observations are to be made, how the data are to be recorded and criterion levels. The ten components are:

1. Delivery of appropriate cues and consequences.
2. Assessment of student skill level.
3. Development of individualized program for each student.
4. Use of volunteers to conduct individualized instruction.
5. Use of aide to conduct group instruction.
6. Use of stimulation programs.
7. Use of toilet training program.
8. Development of behavior intervention program.
9. Use of system to monitor maintenance of acquired skills.
10. Conduct of home programs.

## VI. Evidence of Effectiveness:

In order to demonstrate the effectiveness of this model, it was necessary to establish the following: (A) that the model could be taught to others; (B) that teachers who were trained could implement the major features of the model; and (C) that this implementation would result in improved student performance. Evidence of effectiveness is presented in each of these three areas.

A. Teaching the model to others. To demonstrate that the model can be taught to educators, the 94 individuals trained between the period of June 1, 1978 to May 30, 1979 were selected for study. During the five day training period, the number and percent of those achieving criterion in each of the nine training objectives are shown in Table 1. One thousand six hundred and fifty-one or 98 percent of the attempted 1,686 objectives were completed by trainees at specified criterion levels. Therefore, at the completion of the training week nearly every trainee was able to demonstrate that he/she could successfully perform the activities thought to be necessary to replicate this model.

Table 1. Number and percent of trainees achieving criterion in each of nine training objectives

| Number | Objectives | Criterion | Number Trainees Participating* | | Achieved Criteria | |
|---|---|---|---|---|---|---|
| | | | | | N | % |
| 1 | Pre/posttest on Behavioral Terminology | 92% Correct | 93 | | 90 | 97 |
| 2 | Study Questions Pertaining to Reading Material | 85% Correct | 90 | | 90 | 100 |
| 3 | Delivery of Appropriate Cues, Consequences and Data as Volunteer | 90% Correct | 94 | Cues:<br>Consequences:<br>Data: | 91<br>91<br>92 | 97<br>97<br>98 |
| 4 | Completion of Updating Exercise | 83% Correct | 89 | | 87 | 98 |
| 5 | Completion of Placement | 80% Correct | 89 | | 88 | 99 |
| | Identify Appropriate Program | 100% Correct | 89 | | 88 | 99 |
| | Clipboard Exercise | 80% Correct | 89 | | 87 | 98 |
| 6 | Design of Behavior Program | 80% Correct | 90 | | 89 | 99 |
| 7 | Delivery of Cues and Consequences as Aide | 85% Correct | 90 | Cues:<br>Consequences: | 87<br>87 | 97<br>97 |
| | Conducts Stimulation Program | 80% Correct | 88 | | 88 | 100 |
| 8 | Agreement Between Raters Using TR Observation Form | 85% Correct | 83 | Cues:<br>Consequences:<br>Data: | 81<br>80<br>79 | 98<br>96<br>95 |
| 9 | On task in teacher role and completion of required activities as teacher | 80% App. Time<br>60% On Task<br>80% Checklist | 86<br>85<br>85 | Approp. Time:<br>On Task:<br>Checklist: | 86<br>84<br>86 | 100<br>99<br>100 |

* Aides are not required to complete all objectives.

B. Teachers ability to implement the model. During the same period of June 1, 1978 to May 30, 1979, of the 94 trainees who attended training 57 were teachers working directly with handicapped students. The remaining 37 trainees were either administrators or supervisory staff and therefore were not personally conducting a classroom. No addition data after training were gathered on this group. Of the 57 teachers trained it was possible to obtain follow-up data on 40 of them. Seventeen could not be included because five had left their job, four were followed-up by another agency, and eight were trained too late in the year to receive scheduled visits at the time of this report.

The model is comprised of ten separate components (see p 4). At the time of the first follow-up visit (which occurs 8-12 weeks following training) the first five components are examined for their presence and the quality of implementation. At the time of the second follow-up visit (approximately 24-28 weeks after training) the five components are reexamined and five additional model components are examined.

At the time of the first follow-up 83 percent of the first five components were present. Of those present, 72 percent were judged to have been implemented at established criterion levels. When the second follow-up visit occurred those five components were reexamined and 92 percent were now found to be present with 87 percent of those meeting criteria. Also on the second visit components 6-10 were examined and 51 percent were present and 74 percent of those were at criteria. Table 2 shows the data for the model components examined at the first and second follow-up visits.

Table 2. Percent of model components present and meeting criteria at follow-up visits one (8-12 weeks) and two (24-28 weeks)

| Visit | COMPONENTS | | | |
|---|---|---|---|---|
| | 1-5 | | 6-10 | |
| | Present | Meeting Criteria | Present | Meeting Criteria |
| 1 | 83% | 72% | --- | --- |
| 2 | 92% | 87% | 51% | 74% |

Twenty-five individuals, from the original sample of 94, who attended training June through August 1978 were sent to training by the Oregon State Mental Health Division. (The 25 were chosen as the sample because they would all be from Oregon and therefore cost effective to do a pretraining visit on half of them.) They were selected for training on the basis of the Mental Health Division's priority criteria of: (1) teachers, (2) rural model aides, (3) classroom aides. A random sample of 12 of the 25 were chosen to receive a pretraining visit. At the time of this visit baseline data were gathered using the same staff, instruments and techniques, used to measure posttraining performance. Data are displayed for 11 of the 12 trainees in Table 3. One of the trainees did not attend training due to illness.

The data in Table 3 show the relationship between the trainee's ability to implement the 10 major components (see page 4) before they came to Teaching Research for training, at the time of the first follow-up visit after training and at the second follow-up. In every case there was an increase in the number of components the trainees were able to implement after training and in all cases but one there was even further increases by the second follow-up visit. These data would seem to indicate that teachers definitely behaved differently after training and continued to do so for at least 24 to 28 weeks.

C. Improved student performance. No model can be considered effective unless after it is taught to others, it produces significant student progress. The progress of students described herein was measured not only in the Teaching Research classroom but in other Oregon classrooms for the moderately and severely handicapped. The instrument used for this measurement was the Student Progress Record (Mental Health Division, Salem, Oregon, 1972). This instrument measures student progress in 13 curricular areas: Social Skills, Receptive Language, Expressive Language, Reading, Writing, Numbers, Money, Time, Eating, Dressing, Personal

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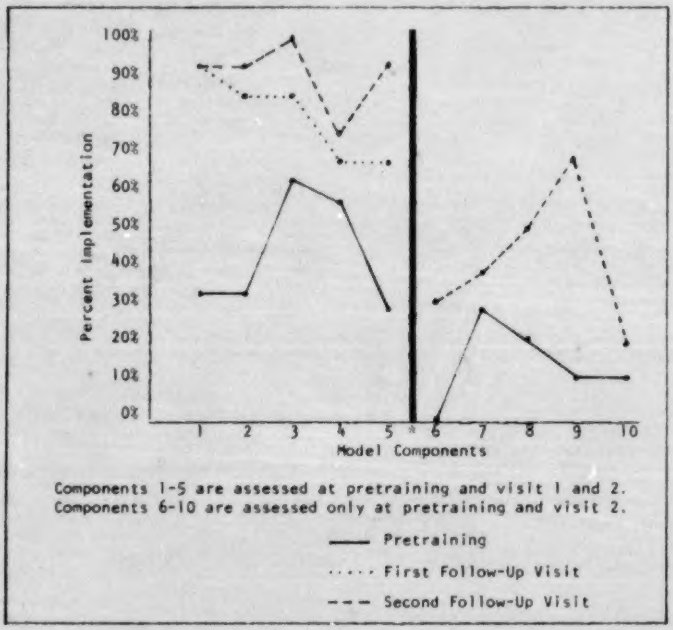
Table 3. Comparison of percent of 11 trainees implementing components at pretraining, first follow-up (8-12 weeks) and second follow-up(24-28 weeks)



Components 1-5 are assessed at pretraining and visit 1 and 2.
Components 6-10 are assessed only at pretraining and visit 2.

Hygiene, Motor Skills, and Physical Fitness. Each student in classes for the moderately and severely handicapped in the entire state of Oregon is administered the Student Progress Record in the Fall, during a specified two week period, and again in the Spring during a specified two week period. Teachers administer the test to their students and the results are reported to the Oregon Mental Health Division.

To ensure reliability of reported scores, within two weeks after the teacher's testing, the Mental Health Division randomly selects a sample of students and curricular areas for retesting. Representatives from the Division require the retesting of the students in the sample while both the original teacher/tester and Mental Health Division observer score the child's performance. Inter-test and inter-rater reliability scores consistently exceed .90. During 1975-76 and 1976-77, a total of 2,702 students were administered the Student Progress Record on both pre- and posttests. Several types of evidence for the content and construct validity of the SPR have been collected over a six year period. The SPR has shown high content validity as judged by curriculum experts' review of individual items--that is--the scope and sequence of each of the 13 domains of the test have been carefully based on task analyses and developed to match the curricula used in special education classrooms. The SPR exhibits a high degree of construct validity as evidenced by consistent student gains observed annually and differences between programs judged independently to vary in effectiveness. Empirical studies have also shown that the SPR possesses a high degree of factorial validity in that there are low interscale correlations combined with high internal consistency of each scale.

A random sample of 141 students, five percent of the total population tested through 1975-76 and 1976-77, was selected from classrooms where teachers had been trained in the Teaching Research model and who had demonstrated that they were implementing at least five of the model components at criterion level of performance. In addition, a random sample of teachers not trained was selected until an equal sized sample of 141 students was achieved. A comparison of the mean gain scores (Table 4) achieved by those students across the 13 curricular areas on the SPR indicated that those in classrooms whose teachers had been trained demonstrated gains significantly higher than the comparison group, t (280) = 3.43, p <.001.

Table 4. Number, mean and standard deviation of gain scores of students in TR teacher trained classrooms with a random sample of students in other classrooms

| | N | $\bar{X}$ | SD |
|---|---|---|---|
| TR Trained | 141 | 7.20 | 5.33 |
| Non-TR Trained | 141 | 4.92 | 5.84 |

An examination of the ages of the two groups indicated no significant difference. An analysis of the pretest scores of the two groups indicated no significant differences between the two groups, t (280) = .36, p >.50 (see Table 5).

Table 5. Number, mean and standard deviation of pretest scores of students in TR trained classrooms with students in other classrooms

| | N | $\bar{X}$ | SD |
|---|---|---|---|
| TR Trained (before training) | 141 | 41.41 | 20.73 |
| Non-TR Trained | 141 | 40.44 | 24.59 |

An attempt was made to examine the pupil progress performance (mean gain) of the students of both groups of teachers during the academic year 1974-75, one year prior to when the experimental group of teachers were trained at TR. Only four teachers of the TR trained group could be located for the previous year. These four teachers had an enrollment of 36 students for the same time period. Another 36 students were then randomly selected from the non-TR trained teachers. The pretest scores (Table 6) of these two groups were compared for 1974-75 and found to be not significantly different, t (70) = .47, p >.50 (Table 6). Gain scores (Table 7) of the two groups were compared and also found to be non-significant for that year, $t$ (70) = .50, $p > .50$. An examination of the age differences between the two groups showed no differences.

Table 6. Number, mean and standard deviation of pretest scores with teachers prior to any training, 1974-75

| | N | $\bar{X}$ | SD |
|---|---|---|---|
| TR Trained<br>(before training) | 36 | 46.72 | 20.16 |
| Non-TR Trained | 36 | 48.88 | 18.95 |

Table 7. Number, mean and standard deviation of gain scores of teachers prior to any training, 1974-75

| | N | $\bar{X}$ | SD |
|---|---|---|---|
| TR Trained<br>(before training) | 36 | 6.25 | 6.84 |
| Non-TR Trained | 36 | 7.10 | 7.36 |

## Summary

The evidence for the effectiveness of the Teaching Research Classroom Model and inservice training procedures can be summarized, therefore, as follows: Data are provided which demonstrate that 94 educators trained in one academic year achieved criterion levels for 98 percent of the training objectives. When observed in their own teaching sites the trainees demonstrated the ability to implement the model as evidenced by 83 percent of the first five model components being present at the first follow-up visit. By the time of the second visit they were able to implement 92 percent of the components. Further there was a continual increase in the quality of the implementations as seen by the increase in the percent of the components meeting criteria by the second visit.

Additional evidence concerning the impact of training is shown by comparing teacher performance before training with the results after training and maintenance up to 28 weeks. There is a definite indication that teacher behavior in relation to the ten model components improves as a result of training and follow-up visits.

Finally, an examination of the gain scores achieved by students in classrooms where the teacher was trained in the Teaching Research Model indicated significantly greater skill gains (.001) than did a similar sample of children in classrooms not utilizing the model. Similar differences were not evident in the year prior to training with a sample of the same teachers. These gains would seem not only to be statistically significant but also educationally significant. The gains in student performance are reflective of a particular educational approach (Teaching Research) compared to a variety of other approaches as represented in the random sample. The growth across groups represents the acquisition of observable, measurable new behaviors that are each, one step closer to allowing the student to function independently.

## Costs

The average annual operating costs per academic year per pupil, including administrative and overhead costs, range from $3,200 to $4,400 in classrooms using the model. Cost figures appearing in Tables 8 and 9 are actual costs for one year of operation of the classroom and training both of which occur at Teaching Research. In Table 8, it can be seen that the differences between initiation and continuation costs for the classroom are a result of increased need for administrative (technical) assistance and purchase of materials.

Training costs have been calculated to include cost for trainee travel and per diem to the Teaching Research site and for Teaching Research staff to conduct follow-up (see Table 9). The teacher and aides are shown at a 6-month rate because they are only directly involved in the training every other month.

Table 8. Classroom costs per year (12 months) per student (14)

| | | Initiation | Continuation |
|---|---|---|---|
| Administration | .50 FTE @ 24,080 | 860 | .25 FTE 430 |
| Teacher | 1.0 FTE @ 18,956 | 1,354 | 1,354 |
| Aide | 1.0 FTE @ 12,188 | 942 | 942 |
| Aide | 1.0 FTE @ 9,002 | 643 | 643 |
| Fringe @ 21.3% | | 809 | 717 |
| Supplies | | 214 | 71 |
| TOTAL | | 4,822 | 4,157 |

Table 9. Training cost per year (12 months) per trainee (28)

| | | |
|---|---|---|
| Administration | .20 FTE @ 24,080 | 172 |
| Trainer | .25 FTE @ 14,784 | 132 |
| Trainer | .25 FTE @ 13,552 | 121 |
| Teacher | .25 FTE @ 18,956 (6 mo) | 85 |
| Aide | .25 FTE @ 13,188 (6 mo) | 59 |
| Aide | .25 FTE @ 9,002 (6 mo) | 40 |
| Secretary | .10 FTE @ 7,000 | 25 |
| Fringe Benefits @ 21.3% | | 135 |
| Supplies and Materials | | 170 |
| Travel | | 300 |
| Per Diem $35/day x 5 days (trainees) | | 175 |
| Per Diem $35/day x 2 days (T.R. staff) | | 70 |
| TOTAL | | 1,484 |

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# Teaching Research

Monmouth, Oregon 97361
(503) 838-1220

# Infant
# and
# Child
# Center

## Prepared by the Staff of Exceptional Child Research Program

**Teaching Research, Monmouth, Oregon 97361** **Vol. VII, No. 5, February 1979**

This is the seventh of a series of newsletter editions which will describe the activities of the Teaching Research Infant and Child Center. The Teaching Research Infant and Child Center consists of two national model centers—Early Education for the Handicapped Model and a Severely Handicapped Education model.

The Early Education for the Handicapped Model (Co-Directors: Dr. William Moore and Dr. Bud Fredericks) includes the following components:

—Preschool for the Multiple Handicapped
—Preschool for a Normal Population
—Parent Training Clinic
—Prescriptive Program
—Infant and Toddler Program
—Group Home

The Severely Handicapped Education Model (Co-Directors: Dr. Victor Baldwin and Dr. Bud Fredericks) includes the following components:

Severely Handicapped Classroom
Group Home

This issue of the newsletter describes the National Demonstration and Training Consortium for Severely Handicapped/Hearing Impaired Children. This newsletter was prepared by Mr. Roy Anderson and Dr. Victor Baldwin.

### A NATIONAL DEMONSTRATION AND TRAINING CONSORTIUM FOR SEVERELY HANDICAPPED/HEARING IMPAIRED CHILDREN

**Introduction**

For the past three years, the Bureau of Education for the Handicapped, Division of Personnel Preparation, has funded a national demonstration and training consortium for severely handicapped/hearing impaired students. This consortium is currently composed of six sites who are now conducting inservice training for personnel working with the severely handicapped/hearing impaired. Sites exist at Lexington School for the Deaf in New York; Roosevelt Hospital in New York; Madison Metropolitan School District, Madison, Wisconsin; University of Kansas Medical School, Speech and Hearing Department, Kansas City, Kansas; Texas School for the Deaf, Austin, Texas; and Teaching Research, Monmouth, Oregon.

The consortium is directed by a Board consisting of the Directors of each of the sites. Board members include Dr. Vic Baldwin, Teaching Research; Dr. Leo Connor, Lexington School for the Deaf; Dr. Sue Gordon, Roosevelt Hospital; Dr. Lee Gruenwald/Dr. Dave Yoder ,Madison Public School System and University of Wisconsin; Dr. June Miller, University of Kansas Medical School; and Dr. Virgil Flathouse, Texas School for the Deaf.

The consortium is committed to the inservice (and in some cases pre-service) training of personnel to work with the severely handicapped student who is also hearing impaired. To accomplish this the following goals have been established.

1. To develop programs for severely handicapped students which can serve as models for training teachers and related service personnel.

A program is defined as:

- A. Delivery of Services, e.g. assessment, instruction, and curriculum.
- B. Product development
- C. Training—pre- and inservice, e.g. awareness and specific skill training.
- D. Dissemination.

2. To develop mechanisms for communication and information exchange between each site, i.e., inservicing each other and development of problem solving strategies for the network.

3. To develop mechanisms for interfacing the network programs with existing service delivery models in other settings.

4. To develop advocacy positions for severely handicapped/hearing impaired students through the collection of data and relating this information to funding agencies for continued program development.

### Training Provided

Currently, the National Demonstration and Training Consortium sites are scattered geographically throughout the United States, each having a different educational approach to working with the severely handicapped/hearing impaired student. Each site provides inservice or preservice training to various kinds of personnel utilizing methodologies and strategies consistent with each site's philosophies. An explanation of the type of training provided by each site follows:

| | |
|---|---|
| Site: | Teaching Research |
| Location: | Monmouth, Oregon |
| Staff: | One teacher; two assistants |
| Students: | 14 handicapped, five of which have a significant hearing impairment |
| Ages: | 6-18 years |
| Facility: | Classroom 8:30-2:00 daily |
| Classroom Goal: | Long term remediation of severely handicapped children and youth |
| Type of Training: | Training is inservice in nature and is provided for one week to people planning programs for, or working directly with, children who are severely handicapped and hearing impaired. These include teachers, aides, and administrators. At the completion of the training program the trainee will be able to: |

1. Assess student's abilities in the skill areas of self-help, receptive and expressive language, gross and fine motor and cognitive development.
2. Design individual instructional programs in the skill areas listed above using the *Teaching Research Curriculum for Moderately and Severely Handicapped Children.*
3. Update each student's program on a daily basis, using progress data from one day to plan for the following day.
4. Rewrite teaching sequences as necessary to accommodate the learning idiosyncrasies of any student.
5. Train, schedule and evaluate aides and volunteers working in the program.
6. Utilize total communication and auditory training procedures with the student.

The cost for the one week training session, including all materials is $250. In addition, two follow-up visits to the trainee's instructional setting are required. These are usually conducted by a member of the Teaching Research training staff six weeks and four months after training. For each follow-up a fee of $100 is assessed plus travel expenses. Trainees are responsible for their own expenses while at Teaching Research.

For information: the number of trainees accepted is limited, so if you wish to participate, please contact Torry Furey (503) 838-1220 ext. 401. Please specify training with the Severely Handicapped/Hearing Impaired.

| | |
|---|---|
| Site: | The Roosevelt Hospital |
| Location: | Manhattan, New York |
| Staff: | One Pediatrician-Coordinator<br>Three Pediatrician Trainers<br>Consultants<br>One Secretary (Part-Time) |
| Facility: | Roosevelt Hospital, Developmental Disabilities Center<br>College of Physicians and Surgeons of Columbia University<br>Lexington School for the Deaf<br>New York Institute for the Education of the Blind<br>Public School (N.Y.C.) 47 for the Deaf<br>Staten Island Developmental Center<br>Manhattan Developmental Center |
| Goal: | To increase the early detection of and early intervention (medically and educationally) for the Severely Handicapped/Hearing Impaired Child. |

### Type of Training and Cost

I. Workshops

A. Pre-Service and In-Service Training for Undergraduate Medical Education (UGME), Graduate Medical Education (GME) and Continuing Medical Education (CME) groups—Four hour workshop—(WORKSHOP I) will cover such topics as:

1. Etiology, Epidemiology, Genetics, Signs and Symptoms, Diagnosis and Management, etc. of Hearing Impairment and Mental Retardation
2. Developmental principles and assessment with special emphasis on language/communication—natural history and disorders
3. The physician's role as a member of an interdisciplinary team
4. Community resources and basic educational aspects

B. In-Service Training for Educators of the Severely Handicapped/Hearing Impaired—25 hour workshop—(WORKSHOP II) will cover:

1. General Medical aspects outlined in Workshop I much more briefly and with more discussion of the varying multihandicapping conditions that may accompany hearing impairment.

2. An explanation of commonly used medical jargon

3. Explanation of the health care system and the interaction of the system with educators

4. Health curriculum for the students

C. In-Service Training for Medical and Allied Health Personnel in Developmental Center—two hour workshop (WORKSHOP III) will cover:

1. Essentially the same material as Workshop I but with more emphasis on use of medication

2. Technique of behavior modification

3. The interdisciplinary team: role of each member, cooperation and teamship

D. In-Service Training for three other groups along the same lines as above workshops. These workshops are also being developed for:

1. Severely Handicapped/Hearing Impaired National Demonstration and Training Consortium

2. Community Physicians

3. Parents

Each workshop will last two to four hours, and will each be videotaped with an auditory component and distribution of pamphlets designed to accompany or precede the tapes. Cost: $25.00 for rental of each tape plus shipping charges.

II. Handbook for Educators

A. A handbook for educators of normal children and disabled children will be written. It will cover such topics as:

1. The Health Team in Educational Institutions

2. Medical Terminology

3. Normal and Aberrant Processes in Development and Health

4. Typical Handicapping Conditions

5. Diagnosis and Evaluation of the Severely Handicapped

6. Many more

B. Cost to be determined by the Publisher.

III. Self-Instructional Module and Practicum for UGME and GME groups.

A. Self-instructional module lasting one hour will include such information as the definition of the Severely Handicapped/Hearing Impaired child; discussion of sensory (particularly hearing) loss, background information on early childhood development, diagnosis, management and prognosis, etc.

B. Practicum—a child who is hearing impaired and severely handicapped will be evaluated and managed by the medical student or pediatric resident under the supervision of an attending pediatrician or physiatrist.

C. A self-assessment examination will be taken at the end of this module.

For Information: Call or write Dr. Susan Gordon, Department of Pediatrics, Developmental Disabilities Center, The Roosevelt Hospital, Antennucci Bldg., 428 West 59th Street, New York 10019, N.Y. Phone: (212) 554-6565.

| | |
|---|---|
| Site: | Lexington School for the Deaf |
| Location: | Jackson Heights, New York |
| Staff: | 2 training coordinators<br>1 direct service supervisor<br>10 teachers; 10 instructional assistants |
| Students: | 60 SH/HI Adolescents |
| Ages: | 13-21 years of age |
| Facility: | Secondary Individualized Learning Center |
| Goal: | Independent living in an urban environment |

*Type of Training and Cost:* In-service training is directed towards teachers of the deaf/administrators/supervisors who are interested in *developing alternative programs* for the SH/HI students in their area. *Preference* is given to sites sending 2 or more staff.

The in-service model at the Lexington School for the Deaf, New York provides teacher training in working with SH/HI adolescents 14-21 years of age. The program is prework oriented and community based. Techniques for working with these students are developed around a teacher/counselor model. The training provides teachers/administrators with:

1. Exposure to an alternative program model for SH/HI adolescents which is life skills oriented and community based.
2. General information regarding current trends in programming for this group.
3. Skills in curriculum development which is based on independent living concerns.
4. Initial skills in developing appropriate counseling techniques for this group of students.
5. An initial guide toward implementing/modifying programs for this group.

The basic training occurs within a *one week* time frame (Monday-Friday). Training is conducted within the Lexington direct service model and "on-site" at various agencies in the surrounding community. There is a $30 registration and materials fee for the week. In addition, *one* follow-up visit by a member of the training staff is *required*. Travel and related expenses (e.g. housing, meals, etc.) for the visit will be assessed on an individual basis.

For Information: Christine E. Pawelski or Alan B. Groveman, SH/HI COTTA, 30th Avenue and 75th Street, Jackson Heights, New York 11370, (212) 899-8800 Ext. 212.

| | |
|---|---|
| Site: | Texas School for the Deaf/Austin State School |
| Location: | Austin, Texas |
| Staff: | One coordinator, one teacher, one aide |
| Students: | Eight severely handicapped/hearing impaired, with additional visual, motor and emotional problems |
| Ages: | 13-19 years |
| Facility: | Classroom in institutional facility for retarded |
| Classroom Goal: | Long term remediation to severely handicapped children and youth |

### Type of Training and Cost

A one-week training effort is conducted for individuals (administrators, teachers, para-professionals) in need of special training for hearing impaired/severely handicapped students. The training revolves around an informal seminar situation, with eight hours being spent in a model classroom. At the completion of the training program participants will be able to:

1. Adapt a process of task analysis to the curricula currently used in their classrooms toward individualizing instruction.

2. Implement a behavior oriented data collection system in their classrooms.

3. Write appropriate performance objectives through which to carry out the learning process in their classrooms.

4. Train and evaluate aides and volunteers working in the program.

5. Achieve at least 75% correct on a sign language posttest.

6. Utilize speech and language teaching techniques with their students.

The cost for the one week training session, including all materials is $100.00. In addition, one follow-up visit to the trainee's instructional setting is required. This is usually conducted by a member of the training staff two months after training. For each follow-up visit travel expenses are assessed. Trainees are responsible for their own expenses; however, room and board may be available at the Texas School for the Deaf at quite reasonable rates.

| | |
|---|---|
| Site: | Hearing and Speech Dept., University of Kansas Medical Center |
| Location: | Kansas City, Kansas |
| Staff: | Director, Program Director, Demonstration Classroom Teacher, Audiologist |
| Students: | Nine preschool children; six severely handicapped/hearing impaired and three nonhandicapped |
| Ages: | 3-7 years |
| Facility: | Preschool classroom, 8:30-12:00 noon, Monday through Friday |
| Classroom Goal: | To develop competence in educational programming for the severely handicapped/hearing impaired student |

### Type of Training

The Kansas Project presently provides *Inservice* and *Preservice* training for practicing, and prospective teachers of the deaf, respectively. Participants earn three semester credit-hours upon satisfactory completion of the course. Through a variety of classroom and practicum experiences the trainees will be able to:

1. Demonstrate a conceptual understanding of current educational principles and practices as they relate to the severely handicapped/hearing impaired;

2. Administer educationally relevant assessment devices; based upon these assessments;

3. Design and execute individual teaching strategies

4. Conduct continuous evaluations of teaching procedures in effect and design alternative procedures when a need is indicated; and

5. Design, supervise, and evaluate programs implemented by parents and paraprofessionals.

### Cost

Kansas residents may participate in this course for $59.10 and nonresidents for $158.10 (Fall, 1978 prices). Materials and follow-up visits are provided at additional cost.

For Information: Robert Stromer, Hearing and Speech Children's Rehabilitation Unit, University of Kansas Medical Center, Kansas City, Kansas 66103 (013) 588-5730.

| | |
|---|---|
| Site: | Madison Metropolitan School District |
| Location: | Madison, Wisconsin |
| Staff: | Three certified teachers |
| Students: | Classroom 1: four students; Classroom 2: two students |
| Ages: | Classroom 1: 15-17 years; Classroom 2: 10-13 years |
| Facility: | One classroom located in a high school; one classroom located in an elementary school |

### Inservicing Goal

Inservice programs are offered in the following areas:

1. Normal communicative development and its application to curriculum for severely handicapped/hearing impaired populations.

2. Normal cognitive development and its application to curriculum for severely handicapped/hearing impaired populations.

3. Audiology evaluation and management of the severely handicapped/hearing impaired.

4. Augmentative modes of communication for the severely handicapped/hearing impaired.

5. Application of techniques of systematic instruction with the severely handicapped/hearing impaired.

6. Techniques of behavior management applied to the severely handicapped/hearing impaired.

### Training

Training will be offered via didactic seminars. Information pertinent to each of the inservices will be offered during a two week summer course offered in the Madison Metropolitan School District. The course will meet six (6) hours each day, five (5) days a week.

Additional information pertinent to goal 4 will be presented via a signing course offered each semester in cooperation with the University of Wisconsin Extension. This is offered via one three (3) hour weekly meeting during twelve (12) successive weeks.

For Information: Dr. Lee Gruenwald, Director, Specialized Educational Services, Madison Metropolitan School District, 545 West Dayton Street, Madison, Wisconsin 53705.

**Results**

Now in its third year of operation (FY 1978-1979), the Consortium is heavily involved in various types of training. The first two years of the grant were devoted to the identification of the training sites and development of model demonstration programs within each site.

Data are currently available from Teaching Research and Texas School for the Deaf regarding training.

Between February 1978 and June 1978 Teaching Research provided inservice training to 15 trainees on nine objectives.

Table 1 shows the number and kinds of trainees trained.

**Table 1**

**List of Trainees by Position and Site that Received Training in the Severely Handicapped/Hearing Impaired Classroom from February 1, 1978 to May 31, 1978 at Teaching Research**

| Trainee | Position | Site |
|---|---|---|
| 1 | Aide | Fairview Hosp. & Training Ctr. (FHTC) |
| 2 | Aide | FHTC |
| 3 | Spec. Ed., Coord. | Alaska |
| 4 | Teacher | Kansas City, Kansas |
| 5 | Teacher | Austin, Texas |
| 6 | Supervisor | Lexington, New York |
| 7 | Supervisor | Kansas City, Kansas |
| 8 | Activity Ctr. Staff | Corvallis, Oregon |
| 9 | Group Home Staff | FHTC |
| 10 | Teacher | FHTC |
| 11 | Social Worker | Eastern Oregon Hospital |
| 12 | Liaison | Eastern Oregon Hospital |
| 13 | Direct Care Worker | Eastern Oregon Hospital |
| 14 | Supervisor | Brighton, Colorado |
| 15 | Psychologist | Eastern Oregon Hospital |

Table 2 is a listing of the nine training objectives, and Table 3 is a report of the trainees' performance by objective.

**Table 2**

**List of Training Objectives**
**Teaching Research**

1. Trainee will define 22 behavioral terms used at Teaching Research Infant and Child Center. Trainee will answer three questions concerning behavior problems.

2. Trainee will answer questions over Teaching Research reading materials.

3. Trainee will be able to conduct prescriptive programs in the areas of self-help, motor development and language.

4. Trainee will be able to modify or update existing prescriptive programs based on data collected during teaching session.

5. Trainee will demonstrate the ability to administer a placement test utilizing the *Teaching Research Infant and Child Center Curriculum* and establish programs for a child.

6. The trainee will pinpoint an inappropriate behavior exhibited by a handicapped child, gather baseline on that behavior and design a program to alter the specified behavior.

7. The trainee will demonstrate the ability to manage groups of children engaged in free-time or seatwork activities.

8. The trainee will demonstrate the ability to utilize the Teaching Research Observation Forms.

9. The trainee will demonstrate the ability to manage the classroom in the role of the teacher.

Fifteen trainees completed inservice training between February and May 31, 1978. These trainees completed seven of the nine objectives to criteria and the remaining two objectives (numbers 2 and 8) were completed by 12 and 13 of the trainees, respectively, to criterion level.

**Table 3**

**Participant Training Data**
**for Individuals Trained in Severely Handicapped/Hearing Impaired Classroom at Teaching Research**
**February 1978 to June 1, 1978**

| # of Participants | Obj. # | Description | Criterion | N or % at Criterion |
|---|---|---|---|---|
| 15 | 1 | Pre/Post on Behavioral Terminology | 80% Correct | 15/15 or 100% |
| 15 | 2 | Worksheet of Questions Pertaining to Reading Materials | 80% Correct | 12/15 or 80% |
| 15 | 3 | Delivery of Appropriate Cues, Consequences, Data as Volunteer | 90% Correct | Cues 15/15 or 100%<br>Conseq. 15/15 or 100%<br>Data 15/15 or 100% |
| 15 | 4 | Completion of Updating Exercise | 83% Correct | 15/15 or 100% |
| 15 | 5 | Completion of Placement Test | 80% Correct | 15/15 or 100% |
|  |  | Completion of Clipboard Exercise | 80% Correct | 15/15 or 100% |
| 15 | 6 | Design of Behavior Control Program | 80% Correct | 15/15 or 100% |
| 15 | 7 | Delivery of Cues and Consequences as Aide | 85% Correct | Cues 15/15 or 100%<br>Consequences 15/15 or 100% |
| 15 | 8 | Agreement Between Raters Using TR Obs. Form | 85% Correct | 13/15 or 87% |
| 15 | 9 | On Task in Teacher Role and Completion of Required Activities as Teacher | On Task 80%<br>Reg. Activities 60% | On Task 15/15 or 100%<br>Reg. Activities 15/15 or 100% |

Subsequent to training, 13 of the 15 trainees were provided with follow-up to enhance their ability to replicate the classroom model in which they were trained. The following shows number of trainees followed-up.

| *Number* | |
|---|---|
| 13 | Trainees provided with follow-up |
| 7 | Replicated TR model |
| 3 | Were administrators and did not replicate |
| 3 | Did not replicate all components |
| 1 | Still to be followed-up |
| 1 | Follow-up could not be provided since the trainee had terminated employment |

In addition, in July 1978, Texas School for the Deaf provided inservice training to five trainees and measured skill acquisition across eight objectives. Follow-up is scheduled to occur in the Fall of 1978. Table 4 shows their eight training objectives. Table 5 lists trainees and their positions, and Table 6 lists the percent of trainees who successfully completed each of the objectives. These data show that the five trainees met criterion on objectives 3, 6, 7a, 7b, 7c, with all trainees not meeting criterion on objectives 1, 2, 4, 5, and 8.

Table 4

TRAINING OBJECTIVES
TEXAS SCHOOL FOR THE DEAF

I. CURRICULUM TRAINING

A. The trainee will receive a handout which: outlines 65 different curricula, indicates where to get them, and cross references curriculum needs to show which of the curricula speak to certain education areas.

B. The trainee will review the handout with the group and discuss several of the curricula individually.

C. The trainee will be introduced to Texas' Statewide Curriculum for the Hearing Impaired and its adaptation for the Model Class at Austin State School.

II. ADAPTING CURRICULUMS

The trainee will, upon completion of a short instruction period, be given placement information on a student and be able to subjectively place him in one of the areas of the adapted curriculum.

III. WRITING PERFORMANCE OBJECTIVES

Upon completion of a packet, the trainee will:

A. List four characteristics of performance objectives, as outlined in the packet, without reference to instructional aids.

B. Select the performance objectives from a list of objectives, with a maximum of one error.

C. Write two objectives which include the four major characteristics of performance objectives, as outlined in the packet.

IV. TASK ANALYSIS TRAINING

The trainee will, after completion of a seminar, be able to task analyze curriculum goals into sub-goals, sub-goals into phases and/or steps, with the final product being a target behavior written in the form of a performance objective or target behavior.

V. BEHAVIOR MANAGEMENT TRAINING

Upon completion of an instructional seminar in Behavior Management, the trainee will evidence knowledge of the following through a written test, and practical application within the Project's Model Class:

1. cueing
   a. modeling
   b. prompting
2. consequating
   a. positive reinforcement
   b. negative reinforcement
   c. punishment
   d. satiation
   e. punishment by response cost
   f. token reinforcer
   g. intermittent reinforcer
3. promoting pupil interaction
4. shaping

VI & VII. DATA COLLECTION SYSTEM AND MODEL CLASS STRUCTURE

The trainee will, after a brief lecture and 8 hours of experience in the Project's Model Class, evidence knowledge of the following on a written test:

1. goal task analysis in relation to Model Class curriculum
2. classroom schedule rules
3. activities development rules
4. lesson planning rules
5. data collection system
   a. curriculum
   b. student files
   c. clipboards
6. Class roles

VIII. SIGN LANGUAGE AND MIME

A. The trainee will, after viewing several video tapes, be able to pass a test on sign language.

B. The trainee will attend a brief session on "Mime" and be able to evidence usage of what he/she has learned through portraying an incident to his/her fellow "workshop mates."

Table 5

List of Types of Trainees Trained at
Texas School for the Deaf
July 17 through July 21, 1978

| Trainee | Position |
|---|---|
| 1 | PE for Severely and Profoundly Handicapped |
| 2 | PE Aide TSD |
| 3 | Aide D/B TSD |
| 4 | Aide D/B TSD |
| 5 | Aide for SH/HI Class |

Table 6

Performance of Five Trainees at
Texas School for the Deaf Training
July 17 through 21, 1978

| Objectives | Criterion | Number and Percent Completed |
|---|---|---|
| 1. Curriculum objective | 80% | 4/5 or 80% |
| 2. Curriculum placement | 75% | 3/5 or 60% |
| 3. Writen performance objectives | 90% | 5/5 or 100% |
| 4. Task analysis training | 75% | 3/5 or 60% |
| 5. Bh. management training | 75% | 4/5 or 80% |
| 6. Data Collection and class structure | 85% | 5/5 or 100% |
| 7. Class roles | | |
| a. vol. | 85% | 5/5 or 100% |
| b. teacher | 85% | 5/5 or 100% |
| c. paraprofessional | 85% | 5/5 or 100% |
| 8. Sign language | 75% | 4/5 or 80% |

**Discussion:**

These data suggest that trainees coming into the sites to be trained do in fact acquire skills which can be used to work with the severely handicapped/hearing impaired population. Although available in only one training site, the follow-up data also indicate that the trainees do utilize the skills learned during the training session.

The data are not available for the other training sites and are in fact only preliminary for the two sites who have completed training. Data still need to be acquired from all sites before the consortium will be able to determine what degree of success has been achieved in providing personnel with the skills necessary to work with the severely handicapped/hearing impaired students. These type of data plus child performance data will be collected in the future and used to update and validate the training procedures for each site within the consortium.

Various sites of the consortium have publicized the availability of training for some time now. Responses in each instance have been extensive confirming what the consortium had predicted—that there was a large interest in dealing with these handicapping conditions. The consortium will continue to train throughout this fiscal year (78-79) and dependent upon future funding should be a training avenue for personnel interested in working with the severely handicapped/hearing impaired student. Those interested in being trained should contact the site of interest. If one cannot determine site of interest, please contact either Dr. Vic Baldwin or Roy Anderson at Teaching Research, Todd Hall, Monmouth, Oregon. Phone: (503) 838-1220 Ext. 391 or 401 for assistance.

## MATERIALS CATALOG

Materials Developed by the Teaching Research Infant and Child Center:

Baldwin, Victor L.; Fredericks, H. D. Bud; and Brodsky, Gerry. *Isn't It Time He Outgrew This? or A Training Program for Parents of Retarded Children."* Charles C. Thomas, Publisher, 301-327 East Lawrence Avenue, Springfield, Illinois, 1972. $10.50.

Fredericks, H. D. Bud; Baldwin, Victor L.; Grove, David N.; and Moore, William G. *Toilet Training the Handicapped Child.* Instructional Development Corporation. P.O. Box 361, Monmouth, Oregon 97361, 1975. $2.50 .

Fredericks, H. D. Bud, *et al. A Data Based Classroom for the Moderately and Severely Handicapped.* Instructional Development Corporation, P. O. Box 361, Monmouth, Oregon 97361, 1975. $9.50.

Fredericks, H. D. Bud, *et al. The Teaching Research Curriculum for Moderately and Severely Handicapped.* Charles C. Thomas, Publisher, 301-327 East Lawrence Avenue, Springfield, Illinois, 1976. $18.50.

McDonnell, John J.; Fredericks, H. D. Bud; and Grove, David N. *Teaching Research Initial Expressive Language Program.* Teaching Research Publications, Monmouth, Oregon 97361, 1976. $25.00.

Gage, M. A.; Fredericks, H. D.; Baldwin, V. L.; Grove, D. N.; and Moore, W. G. *Group Homes for Developmentally Disabled Children.* Instructional Development Corporation, P. O. Box 361, Monmouth, Oregon 97361, 1977. $7.00.

To purchase the above or to obtain further information about the publication, please contact the publisher listed for each document.

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Ms. **Forsythe**. Thank you very much, Dr. Baldwin.

Would you continue, please, Dr. Cartwright?

## STATEMENT OF G. PHILLIP CARTWRIGHT, PROFESSOR OF SPECIAL EDUCATION, THE PENNSYLVANIA STATE UNIVERSITY, UNIVERSITY PARK, PA.

Dr. **Cartwright**. I thank you for the opportunity to appear before this committee today.

I am a professional educator, Phillip Cartwright, Pennsylvania State University. I have a 20-year commitment to the education of the handicapped child. My testimony today deals primarily with the training of education personnel. The written testimony is in the record, and I will make an additional point or two.

With respect to the many facets of Public Law 94-42, including personnel development, I don't believe major changes in the law are required at this time. Some adjustments in implementation might be made, but I would support no amendments, no changes in the regulations, no changes in policy which would prevent the full implementation of the letter and spirit of the law.

Incidentally, I do commend the bureau of education for the handicapped for its leadership in the implementation of this very hard-to-implement law.

A major concern of mine is the training of teachers, both special education teachers and regular education teachers. Pennsylvania is fortunate to have a network of State-owned and State-related colleges and universities, many of which have programs to train educators of the handicapped. At some points in time within the State there appears to be an adequate balance between teacher supply and demand. Other times, this is not so.

I believe other States have similar problems of balance, or the lack thereof. The national picture seems to suggest that there are more teachers than jobs when such statistics are collapsed across States, across age levels, and, most importantly, across teacher assignments—math, English, social studies, physical education, and special education.

Within special education there are serious imbalances across disability groupings, age and severity levels of children, and across States and regions within States.

Contrary to what the general public may believe, it is not a simple matter to retrain an elementary education teacher. A great deal of time and energy is required for such a conversion, time and energy from both the trainers and the trainees.

The Nation's colleges and universities are a strong resource and represent a kind of developmental capital which must be maintained. These colleges and universities can provide new and continued training programs, consultive services, and research services, all of which are required to implement Public Law 94-142.

I mentioned that there was a problem of imbalance and shortage of qualified teachers, and other witnesses and parents have testified to this point. Let me give an additional example, a brief case study, if you will, of how a distribution problem has affected one large urban school district, the school district of Philadelphia.

Changing demographic characteristics, court decisions and unknown factors cause periodic and often unpredictable demands for

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teachers. The school district of Philadelphia has serious financial problems, as some of you may well know. The district is responsible for the education of some 300,000 youngsters, 23,000 of whom are identified as handicapped.

In the spring of 1979 and the early summer, several events occurred which led the school district officials to predict a need for 400 new special education teachers during the 1979-80 school year.

For example, one court decision required the opening of over 100 new classes just for the learning disabled during this school year. Another court decision, which is being appealed by the State, required the establishment of year-round classes for some groups of handicapped children. In February of 1979 the school district was required to open 80 additional special classes. Trained special education teachers simply could not be found. The school district advertised throughout the State, and in nearby States, and they could not find certified trained special ed teachers. The district had no choice but to put regular classroom teachers into their classes.

Fortunately—and I hope this illustrates what I mean by "developmental capital"—our university and two others were able to respond quite rapidly to a serious training problem. We were able to rearrange schedules, make some adjustments, to put an emergency training program into effect.

That rapid response was possible because of the availability of trained faculty in the colleges of education.

To correct these imbalances of distribution of trained teachers which I perceive, I believe that a good balance between inservice and preservice education is required. Further, serious attention must be given to incentives to attract good elementary teachers, for example, to participate in high quality, long-range inservice training programs, either to become better able to take care of mildly handicapped youngsters in the regular classes, or to become certified to be teachers in special class settings.

The other points which I have raised are in the written testimony, so I will conclude at this point and thank you for allowing me to participate in the hearing today.

[The prepared statement of Dr. Cartwright and responses to Senator Randolph's questions along with other material supplied for the record follows:]

Testimony of

G. Phillip Cartwright, Ph.D.
Professor of Special Education
The Pennsylvania State University
University Park, PA 16802

Oversight Hearing, Implementation of P.L. 94-142

Presented to the Subcommittee on the Handicapped
Jennings Randolph, Chairman
October 10, 1979

I am a professional educator with major interests in preparing teachers and other personnel to work on behalf of handicpaped children. It is my position that the principles espoused in P.L. 94-142 are laudatory and that efforts toward full implementation of the law should be continued. The following principles must be upheld and expanded to meet the full intent of the law.

1. Free appropriate public education for all children.
2. Individualized education plans.
3. Procedural safeguards.
4. State planning for provision and monitoring of program.
5. Nondiscriminatory testing.
6. Least restrictive environment.
7. Parental involvement in the education process.
8. Provision of adequate supply of trained personnel.
9. Federal funds for direct special education services for children.

Clearly, the law is many-faceted; other individuals may wish to stress other facets of the law and accompanying regulations. For purposes of this hearing, I will concentrate first on the part of the law related to the provision of an adequate supply of trained personnel.

Pennsylvania is fortunate to have a network of state-owned and state-related colleges and universities, many of which have programs to train educators of the handicapped. At some points in time, there appears to be an adequate balance between teacher supply and demand. Some might say there is an oversupply of teachers, others not.

Other states have similar problems of balance, or the lack thereof. The national picture seems to suggest that there are more teachers than jobs when such statistics are collapsed across states, across age levels, and teacher assignment (e.g., math, english, social studies, physical education, special education). Within special education, there are serious imbalances across disability groupings, age and severity levels of children, and across states, and regions within states. Contrary to what the general public may believe, it is not a simple matter to retrain an elementary education teacher or a junior high school education teacher to be a special education teacher. A great deal of time and energy is required for such a conversion--time and energy from both the trainers and the trainees. Continued support of training programs is essential if the nation is to resolve the imbalance in existing personnel.

In addition to the imbalances resulting from the current set of pressures, new problems are emerging as P.L. 94-142 moves toward full implementation and the nation's legal system continues to have a significant impact upon the provision of education services to the handicapped.

The traditional age range of schooling, 6-16 or 18, has now been stretched to 3-21. Some professional educators would extend that age range down to birth. New training programs must be created to provide personnel to provide for the extension of services to preschool youngsters and to young people at the secondary level and beyond.

Federal and state laws now require interdisciplinary cooperation in locating, evaluating, and programming for handicapped children. The traditional single discipline training models must be modified to train personnel to be more effective providers of service in cooperation with other groups of service providers.

The nation's colleges and universities are a strong resource and represent a "developmental capital" which must be maintained. We can provide the new and continuing training program and consultive and research services which are required to implement 94-142. We can do so, though, only if our programs are supported at the state and Federal levels. Maintenance of developmental capital permits us to be responsive to the emerging needs of the field.

Related to the training needs to which I have alluded are the following recommendations:

Recommendation 1: Through innovative practices as suggested in Section 121a.385 of the Federal Regulations, consideration should be given to provide IHE's with "Incentive Funds" for the development of model programs.

Rationale: Institutions of Higher Education (IHE) should be given financial support to develop model programs in five target areas.

Target Area 1: Child Find

The law has created a need to identify new techniques and procedures that are nondiscriminatory, efficient, and effective for identifying children with handicapping conditions.

Target Area 2: Multidisciplinary Teams

There is a need to develop model training programs for members of multidisciplinary teams. These model programs must emphasize competencies in communicating defined roles, articulating these roles throughout the school organization, and demonstrating expertise in evaluating and assessing children with handicapping conditions.

Target Area 3: Individualized Education Plan (IEP)

The development of an individualized education plan requires expertise in areas of program development, curricula, procedures, and materials. To encourage optimal growth in children with handicapping conditions, professionals must have access to available, current data in these specific areas. There is a need to use all available technology for the development of a data bank that could monitor and maintain current evaluation data of the specific areas mentioned above.

Target Area 4: Educational Placement

Both the Law and the Federal Regulations give much attention to "Least Restrictive Environment." It is necessary that IHE's be given the financial support needed to evaluate the effectiveness of a least restrictive environment placement and also be given the flexibility to conduct and analyze data that can predict movement of handicapped children to a least restrictive environment placement.

Target Area 5: Personnel Development

There exists a need to identify resource deficient regions in staffing, programming, and child find areas; to develop new models for support personnel currently in demand and to train administrators and other leadership personnel in resource deficient regions.

CITATIONS: 20 U.S.C. 1413(a) (3) P.L. 94-142
§121a.385(a)

Recommendation 2: A portion of training funds should be used for preservice training and leadership development.

Rationale: The law produces a personnel demand for which there are few dollars to train at the preservice level. Public Law 94-142 provides inservice money; since VI-D is being used for inservice, there are few dollars for preservice training.

Inservice training often focuses on only 0-7 days in a school year--not enough time to cover needed information. While this type of training is useful for updating current abilities and skills, a thorough, more comprehensive program is needed to prepare competent individuals. In addition to the time limitation, traditional inservice training often does not provide a systematic approach to instruction and dissemination of information.

There is an increase in the demand of new personnel because of P.L. 94-142. Training of a more diverse group of personnel is required to meet the demands of the Law (i.e., paraprofessionals, community, leadership, etc.). In addition to the training of a diverse group of personnel, supply and demand of geographical areas must be met. This will require retraining of "over supplied" professional areas to demand areas. (E.g., there is an over supply of teachers for the mildly handicapped and a demand for teachers of the severely handicapped.)

CITATION: 20 U.S.C. 1413(a) (3) Law
§121a.380(a) (b) Federal Regulations

Recommendation 3: The priority statements as stated in the Federal Regulations should be modified to encourage the development of full services to all handicapped children regardless of level of severity. For example, secondary level (including vocational education) for all handicapped children needs to be emphasized. Institutions of Higher Education should be encouraged to develop preservice and inservice programs to provide trained personnel to work with children at the secondary level.

Rationale: In addition to identifying new children needing services and maintaining programs of children receiving services, special emphasis should also be considered at the secondary-vocational level.

Because of compliance with P.L. 94-482 (the Vocational Education Act) and Section 503 and 504, it is necessary to discard the myths that handicapped persons can only accomplish lower level job skills and to identify job areas and technologies that assist handicapped persons in training for employment. In addition to this, model secondary programs that promote prevocational skills on the level of the handicapped adult need to be established. Along these lines, there is also a demand to coordinate and develop public awareness, employer interest, and proper vocational guidance in training and hiring the handicapped. Institutions of Higher Education and Local Education Agencies need to develop programs to train personnel to be responsive to the needs of secondary level handicapped students.

CITATION: 20 U.S.C. 1412(3)
§121a.320
§121a.321

Recommendation 4: A free appropriate public education provision should be extended downward to birth to include children ages 0-2. Institutions of Higher Education should develop training programs to provide a supply of persons trained to work with handicapped infants and very young children.

Rationale: Children with severe handicapping conditions require early intervention and stimulation for optimal developmental growth. This early intervention will effect the future education of these children in the least restrictive environment.

CITATION: 20 U.S.C. 1412(2) (B) Law
§121a.122(a) Federal Regulations

Recommendation 5: Consideration should be given to increase the flexibility provided to the States for the use of 142 funds to purchase related services. Something other than "last dollars" should be spent to provide related services. This recommendation carries an implicit training program similar to number 1-2 above--Multidisciplinary teams.

Rationale: Related services should not be viewed as additional services to handicapped children. Rather, related services should be looked at as an integral part of the child's educational program that can not be provided by the classroom teacher (e.g., physical therapy, speech therapy, adaptive physical education). All related service personnel must be trained to work together to provide the necessary interrelated services.

CITATION: 20 U.S.C. 1411(b) (2)
§121a.370(a)

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United States Senate
COMMITTEE ON LABOR AND
HUMAN RESOURCES
WASHINGTON, D.C. 20510

October 10, 1979

Dr. Philip Cartwright
Chairman
Education of Exceptional Children
Penn State University
University Park, PA 16802

11-9-79

Dear Dr. Cartwright:

Thanks for participating in the oversight hearing on Public Law 94-142. Your testimony will be most helpful to members of the Subcommittee on the Handicapped as they oversee the implementation of this important legislation for the handicapped.

In order to insure inclusion of your testimony in the hearing record, we ask that you return your answers to the questions given to you at the October 10 hearing within 15 days. Please address all correspondence and questions to Senator Jennings Randolph, Chairman, Subcommittee on the Handicapped, Room 4230 Dirksen Senate Office Building, Washington, DC 20510.

Your commitment to improving our Nation's programs for the handicapped is deeply appreciated.

With best wishes, I am

Truly

Jennings Randolph

Jennings Randolph
Chairman
Subcommittee on the Handicapped

PHILLIP CARTWRIGHT - QUESTIONS

1. AS YOU KNOW, UNDER PUBLIC LAW 94-142, THE STATE IS REQUIRED TO DEVELOP A COMPREHENSIVE SYSTEM OF PERSONNEL DEVELOPMENT. FROM YOUR PERSPECTIVE AS A PROFESSOR OF SPECIAL EDUCATION, COULD YOU TELL US WHAT YOU SEE AS PENNSLYVANIA's PRIORITY NEEDS IN MANPOWER DEVELOPMENT?
2. YOU NOTE THAT THERE IS ALSO A NEED FOR TRAINING A MORE DIVERSE GROUP OF PERSONNEL (PARAPROFESSIONALS, COMMUNITY LEADERS). WITH REFERENCE TO "NONEDUCATIONAL" PERSONNEL, DO YOU FEEL THAT THEIR RETRAINING OR TRAINING SHOULD BE THE RESPONSIBLITY OF THE HIGHER EDUCATION COMMUNITY.
3. DO YOU FEEL THAT THE ULTIMATE RESPONSIBILITY FOR MEETING THE MANPOWER NEEDS GENERATED BY PUBLIC LAW 94-142 RESTS WITH THE HIGHER EDUCATION COMMUNITY? THE STATE? THE FEDERAL GOVERNMENT? SHOULD IT BE A SHARED RESPONSIBILITY?
4. WHAT IS THE RELATIONSHIP (IF ANY) BETWEEN THE DEPARTMENTS OF SPECIAL EDUCATION IN INSTITUTIONS OF HIGHER EDUCATION AND PROGRAMS FOR HANDICAPPED CHILDREN. IS THERE ANY COOPERATIVE AGREEMENT WHERE COLLEGES AND UNIVERSITIES USE THESE PROGRAMS AS PRACTICUM FOR THEIR STUDENTS MAJORING IN EDUCATION OR SPECIAL EDUCATION?

HIGHER EDUCATION PERSONNEL

1. TO WHAT EXTEND DOES YOUR UNIVERSITY CONSULT WITH THE STATE SPECIAL EDUCATION DIVISION IN DEVELOPING PROGRAMS TO TRAIN SPECIAL EDUCATORS OR OTHER PROFESSIONALS WHO MAY BE PROVIDING SERVICES UNDER PUBLIC LAW 94-142?
2. SOME WITNESSES HAVE COMMENTED THAT HANDICAPPED STUDENTS IN SECONDARY SCHOOLS ARE RECEIVING VERY LITTLE ASSISTANCE BECAUSE OF A LACK OF APPROPRIATELY TRAINED TEACHERS AND APPROPRIATE PROGRAMS. WOULD YOU AGREE WITH THIS ASSESSMENT? IF SO, HOW COULD THE HIGHER EDUCATION COMMUNITY RESPOND TO THE NEED FOR SECONDARY LEVEL TEACHERS WHO CAN PROVIDE EDUCATIONAL SERVICES TO HANDICAPPED STUDENTS?
3. HAS YOUR UNIVERSITY BEEN CONTACTED BY THE STATE SPECIAL EDUCATION DIVISION OR YOUR LOCAL SCHOOL DISTRICT WITH REFERENCE TO PROVIDING INFORMATION AND RESOURCES AND OTHER ASSISTANCE IN INSERVICE TRAINING OF REGULAR EDUCATION TEACHERS?
4. DESCRIBE WHAT YOU FEEL IS AN IDEAL INSERVICE TRAINING PROGRAM FOR A SECONDARY LEVEL ENGLISH TEACHER WHO HAS IN HIS OR HER CLASS FOR THE FIRST TIME THIS YEAR SEVERAL HANDICAPPED CHILDREN - INCLUDING LEARNING DISABLED, VISUALLY IMPAIRED AND PROFOUNDLY DEAF. IDEALLY, WHAT KIND OF SUPPORT SERVICES SHOULD BE AVAILABLE? PLEASE DELINEATE WHAT YOU FEEL THE TEACHER'S RESPONSIBILITIES ARE IN TERMS OF MEETING HER SPECIAL STUDENTS' NEEDS. FOR EXAMPLE, SHOULD SHE/HE KNOW HOW TO COMMUNICATE OR SHOULD THE SCHOOL PROVIDE AN INTERPRETER AS A SUPPORT SERVICE?

G. Phillip Cartwright
The Pennsylvania State University

Question #1.

Pennsylvania seems to be no different than most other states of the union in general personnel needs. We are experiencing a somewhat rapid turnover in speech therapy and in the mildly handicapped. This is somewhat surprising given the fashionable references to the supposed "burn-out" factor with teachers who work with the severely and profoundly retarded and the severely emotionally disturbed. Perhaps a reasonable explanation of the turnover is that there are enormous numbers of personnel required to work with the mildly handicapped in special classes, resource rooms, and regular classes. Senior teachers may likely move to more attractive positions and get out of teaching the handicapped altogether. In my judgment, the single greatest training need in Pennsylvania is that of inservice training of regular education personnel. That inservice training need is not one that can be met by a few hours after school. Rather, an intensive long-range training program should be developed and it should be based upon training from a variety of institutions. Institutions with specific competencies in one area should be induced to work cooperatively with institutions in other areas. Institutions of higher education should work cooperatively with local education agencies to provide the appropriate kind of long-range training.

A second priority is the training of sufficient numbers of certified special education personnel. There still is a clear need, especially in the urban areas, to provide specific training leading to certification in special education so that the needs of the mildly, moderately, and severely handicapped youngsters can be met.

Question #2.

With the emphasis upon "deinstitutionalization" there is very strong need, at least in Pennsylvania, for the training of persons to work with the Community Living Arrangements Program. Severely handicapped youngsters and adults are being released from institutions and placed in a variety of noninstitutional but group settings. Standards for persons to work in these settings are minimal. Training is virtually nonexistent. In the long run, it would be in the best interest of the CLA personnel and the persons who reside in these settings if standards were somewhat more explicit and if training were more intensive. Similarly, with the increase in number of severely handicapped youngsters placed in regular school settings, there is an increase in the need for personal care and other aides to work in classrooms alongside certified personnel. Qualifications for aides are minimal and in most cases, aides enter into the classroom setting with virtually no training.

A Comprehensive System for Personnel Development should be responsible for training paraprofessionals as well as professional educators. The brunt of the responsibility for educating youngsters of all levels of ability rests with the education community. Similarly, training for staff people to work with persons who work with the handicapped should be the responsibility of the education community. Even certain other professional groups, e.g., social workers, have not had explicit training in working with severely handicapped. Some steps should be taken to increase the competency of such persons who otherwise are well trained.

Question #3.

The ultimate responsibility for meeting the manpower needs generated by Public Law 94-142 should rest with state education agencies. The Comprehensive System for Personnel Development should bring together the various institutions and provide the funding for the training. Clearly, though, a major portion of the financing of the system should come from the Federal government. A sharing of the responsibility can occur in such a way that Institutions of Higher Education might provide the generalized broader viewpoints and training in assessment, instruction, and other areas which are generalizable to an entire region or nation. LEAs, on the other hand, have continuing short-range training needs which must be attended to on an immediate basis and which are often unique to a particular school or locale. In those instances, the LEA should take the leadership in initiating and carrying out the training, perhaps with subcontracts to IHEs.

Question #4.

The Pennsylvania State Department of Education standards require that persons certificated to teach handicapped youngsters must have had practicum experiences with handicapped youngsters. Indeed, Pennsylvania standards for preservice training institutions require that practicum experiences be made available in sophomore, junior, and senior years. In almost all cases, the practicum sites are located in public schools or in approved private schools. Thus, there is a continuing need for strong relationships between Institutions of Higher Education and local schools or private facilities so that the practicum requirements can be met and that students may become certified by the state to teach handicapped youngsters.

A major barrier to the establishment of even better cooperative relationships with school districts is the fact that colleges of education are facing serious budgetary and retrenchment problems. It seems to be the case that as budgets shrink, the first areas to be cut are those dealing with field supervision and field programming. Consequently, it is much more difficult for a college or university to provide the adequate supervision of practicum students and to work with LEAs in building good cooperative practicum experience for the youngsters.

## Higher Education Personnel

Question #1.

As the number of dollars and number of manhours involved in the training of handicapped youngsters increases, more and more groups have taken an interest in this area. Consequently, in the planning of new programs, whether they be training programs for youngsters or education personnel, more and more groups wish to be consulted in the planning. In order to satisfy the divergent groups who demand to be consulted, the relative influence of any one group may be minimized. Parent groups, teacher unions, administrator organizations, education law firms, as well as LEAs and Institutions of Higher Education all beg to be heard and consulted. Specifically, in answer to this question, our university has been consulted in the preparation of certain aspects of the state plan. I doubt very much if all 86 Institutions of Higher Education in Pennsylvania with education training programs have been consulted by the state. Clearly, each could not be represented on a single committee. Presumably, those representatives of higher education who are consulted speak with all institutions in mind.

Question #2.

I would agree that of all of the nonspecial teachers working in the schools today, the secondary teachers who have been trained in the disciplinary mode (English literature, Physics or Science, etc.) are least well prepared to deal with the handicapped. Traditionally, the secondary level teachers have been more interested in the subject matter to be taught than in the matter in which it is taught. The review of secondary training programs shows very heavy requirements for the subject matter areas with fewer opportunities for pedagogy courses than is found in elementary education programs. In many cases, the content of a training program for secondary education teachers is dictated more by noneducators who reside in the respective Physics, English, or other departments than in the professional educators within the schools of education who are charged with the training of these persons. Because of the heavy demands to courses in the "content" areas, it is extremely difficult to add courses dealing with the handicapped. This has not been the case with programs training elementary teachers. Clearly, mandated training from special education personnel is required for upgrading the training of secondary level teachers.

Question #3.

As indicated above, the university has been contacted by the state special eudcation agency for consultation. Our university is contacted regularly by local education agencies and intermediate units for information and for direct training of regular education teachers. Our special education division has a very large inservice training program which provides additional training for regular education teachers to permit them to be certified as special education teachers. Most of the costs for this particular regular education training program is borne neither by the university nor the local education agencies. Rather, much of the costs are paid by the teachers who pay full tuition for taking courses to apply toward additional certification.

Question #4.

Ideally, a special training program (inservice) for a secondary level English teacher would be an intensive summer program followed by training sessions throughout the subsequent academic year. During that summer session, it would be essential for the secondary teacher to learn the very basic characteristics of the youngsters with whom he or she will meet during the forthcoming year. Secondly, the intensive summer training program should cover the specific strategies or adaptations that the teacher might be required to employ during the year. These adaptions would include ways of assessing the strengths and weaknesses of youngsters as well as providing adaptations of instructional strategies and the provision of special instructional sessions as required. Finally, that summer session should be integrated with face-to-face practicum experiences with youngsters similar to those to be encountered.

Much of the fear that nonspecialists have results from the lack of experience with the youngsters. An intensive program including practicum should go a long way to helping teachers become less fearful of their encounters. During the year that the teacher first encounters the handicapped youngsters (and after the intensive summer session) at least a weekly seminar should be required. The seminar should provide continuing and further techniques of instruction and should provide a forum in which the teacher and others can discuss current experiences and come to better understanding of the problems involved. Ideally, that seminar should be conducted by a supervisory level person who would be able to visit the classroom of the teachers at least on a weekly basis to observe the progress of the handicapped youngsters and to make suggestions for change or improvement in the actual setting.

If the IEPs of these handicapped students call for placement in a regular class situation, then it is the regular class teacher's responsibility to meet the student's needs. However, related services may be mandated. In any case, it is incumbent upon the school to provide the supportive services that the teacher might need to provide an appropraite education for the youngsters. Supportive services would include the services of a supervisor who would be available at least weekly. In the event of visually impaired or blind students, reading services should be available and should be provided as needed. In the case of the deaf youngster, teachers should be expected to acquire some basic level of signing. To expect all regular education teachers to become fluent in signing is much beyond the realm of possibility. It would be much less costly and more expedient to provide interpreters as required. Also, in the case of the blind youngster, continuing mobility training should be provided and made available at no cost to the youngster. In the case of the learning disabled youngster it may be appropriate to have reading services available to the youngster as in the case of the visually impaired youngster.

At the conclusion of this training program (which in university terms corresponds rougly to a 12 credit mini certification program), teachers should be awarded with an appropriate certificate of accomplishment. Indeed, in order to implement such a training program, it would be essential that the program be mandated and that some changes in certification in most states be made.

# WRITTEN STATEMENT OF THE NAVAJO NATION ON THE EDUCATION FOR ALL HANDICAPPED CHILDREN ACT, P.L. 94-142, PERSONNEL AND SPECIAL EDUCATION CAREER DEVELOPMENT, TO SUPPLEMENT THE ORAL STATEMENT OF MR. BENJAMIN LEE, ON BEHALF OF THE EDUCATION COMMITTEE, AND THE CHAIRMAN OF THE NAVAJO TRIBAL COUNCIL, MR. PETER MACDONALD

before the

SUBCOMMITTEE ON THE HANDICAPPED
OF THE UNITED STATES CONGRESS

October 10, 1979

The Education for all Handicapped Children Act of 1975, P. L. 94-142, provides the Indian people of the United States with the greatest opportunity ever to take charge of the special educational needs of their handicapped children. In the past, the mentally and physically handicapped were dealt with only in the context of the State or the Indians extended families. The provisions of Public Law 94-142 are particularly appropriate in view of the trend towards increasing Indian self-determination, as well as surfacing the truly forgotten Americans in Indian education.

The Navajo Tribe wishes to stress certain areas of personnel development and where we have concerns:

1. First, we strongly support and endorse the implementation of P.L. 94-142. The Navajos comprise seventeen (17) percent of the total Native American population within the boundaries of the United States and encompasses a vast land base in three western states--Arizona, New Mexico, and Utah--where the Navajo Reservation is located.

A wide variety of educational institutions operate within the reservation-federal, public, private and parochial. Unfortunately, only a few of these institutions cater to handicapped children with special educational needs. Because there is a woefully small supply of Navajo special education personnel, very few Navajos can be found to be administering these few special education institutions.

There is an urgent and immediate need for a ready pool of professionally trained Navajo special educators who can best serve the present and future special educational needs of the Navajo people. Data are not available on the exact numbers and location of persons in all disability groups but of those being served, the Bureau of Indian Affairs counted 1,815 pupils. The U.S. Public Health Service applied their national average of 11 percent to the reservations population for a conservative estimate of 13,500 pupils with some type of special educational needs.

In an effort to enlarge and develop a small pool of special education personnel, the tribe has initiated a program in 1975 to specifically train a select number of Navajo candidates as special educational teachers. The field-based program is designed to identify, recruit, screen, select, and train twenty (20) Navajo special education teachers in a two-year period. Because only five graduated from the original 20, the program has been changed to a Master degree level program. This move would tend to strengthen the field-based special education program as the candidates would be drawn from the teaching field and would already have a wealth of experience. The problem here however, is that this is the only program we know of in the United States on an Indian Reservation where special education teachers are being prepared. The budget is very small compared to other field-based university courses offered by the tribe, and the program is offered at only one location on the entire Navajo Reservation.

In addition to the small budget and limited scope of work, persons employed under Title I of the Elementary and Secondary Education Act, have been either denied participation or given limited participation in the classrooms. The main reason being that Title I is a discriminatory act which favors poor and culturally deprived children. The training of the Indian employees do not have a direct bearing on the improved academic development of the child as opposed to the employee receiving the training.

By cutting out the Title I personnel from the Special Education classes, enrollment has been reduced to 50 percent.

We hope that the Subcommittee will address our concerns earnestly and will advise us of their response and/or action to our comments. We thank the Subcommittee for soliciting our review and comments.

Spina Bifida Association of America / 343 S. Dearborn Street / Chicago, Illinois 60604 / (312) 663-1562

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Kent Smith

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Received
Date 9-24-79
Subcommittee on
The Handicapped

Sen. Jenning Randolf
Room 3203
Dirksen Bldg.
Washington, D.C. 20510

The Spina Bifida Assc. of America would like to bring to your attention certain problems that have arisen in our efforts to obtain the benefits of 94-142 for children born with Spina Bifida, americas second most common birth defect.

I have spoken to Ms. Betty Griffin concerning the possibility of testifing before the oversight hearings to be held in Oct. but since that option does not appear to be feasibility we would lide the following concerns to be noted in the record of those hearings and that these remarks be incorporated as part of the hearing transcript.

The successful integration of the child with Spina Bifida into the mainstream of the educational system requires some barrier removal and a rather small amount of related services, one of which is the provision of assistance with the process called Intermittent Catherization. This consists of the insertion of a tube into the bladder on a regular schedule, approx. ever 3 to 4 hours, in order to eliminate body waste. This procedure is neither complecated or dangerous and is generally proformed by a parent, sibling, babysitter or even the child themselves if fine motor control is sufficient for proper manipulation of the tube and the bracing does not get in the childs way.

The problem that is developing in, among other places, Dallas, Texas, Kansas City, Missouri, Atlanta, Georgia, Pittsburg, Pennsylvania, and others is a reluctance on the part of local school districts to provide this simple service. This forces one of two possible situations, either the child is placed in a severly restrictive setting such as a segregated school where additional personnel i.e. a registered nurse are avible to provide the service or the parents are required to go to school and provide the assistance the child needs to remain in the regular school envoirment. In one case a mother had to give up an $8,000 a year job to keep her child in school.

We, the parents of numerous of these children and other organisations have attempted to correct the problem by using the "impartial" hearing panel, the head of which operates as a hearing officer by virtue of an exchange agreement with a neihboring district, and a review by the state on procedure only, not on the merits of the case. The case in Dallas is even stranger in its sequence of events. The local hearing officer ruled that it was a health service and should be provided by the district, then the local Board of Education overturned the impartial hearing officer. The parents requested a review

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by the state Education Commissioner and he ruled in the childs favor and ordered the district to provide the service, his decision was then overturned by the State Board of Education.

The office of Civil Rights has been involved in the case in Kansas City, Missouri for almost 3 years with no concrete action to date so we feel that a decision by their office is not a realistic possible for the children that need this service in order to obtain an appropriate education in the least restrictive envoirment as outlined in the law and regulations.

This situtation has been repeatedly brought to the attention of the officials at the Bureau of Education of the Handicapped. I personnally have requested a clarification of the bureau position from Frank King, Dr. Daniel Ringelhiem and Edwin Martin. The conversations with BEH started in late 1976 and have continued to date but, we have not thus far recieved any statement from them that would clarify their position in the situtation.

The two things I would like to see as a result of the oversight hearing would be a directive to OCR and BEH to take stronger measures to insure compliance on the part of States and that action should be taken on a time schedule that prevents the 2 and 3 years currently involved in the compliant process, also I would hope the committee would direct BEH to establish clear guidelines concerning related services and what is inclued in the definition of those services.

Public Law 94-142 was a great step forward in the effort to bring the child with a disability into the mainstream of society and provide these children with the tools to participate in society as an equal member with all the rights and responsibilities that the status of citizenship brings with it. Let us now take steps to insure that those gains are in fact real, not just an empty statement and a false promise to those children who ask only an equal opportunity to grow and develop.

Thank you,

Howard E Adams
Howard E. Adams
Spina Bifida Association of America
Chairman-Education Committee

DEC 19 1979

national
easter seal society
*60 YEARS OF SERVICE TO HANDICAPPED PEOPLE*

Office of Governmental Affairs

December 13, 1979

The Honorable Jennings Randolph
Subcommittee on the Handicapped
Committee on Labor and Human Resources
United States Senate
Washington, D. C. 20510

12-2[illegible]

Dear Mr. Chairman:

I am writing to proffer our organization's views on the implementation of P. L. 94-142, the Education for All Handicapped Children Act.

I respectfully request that this statement be included in the hearing record with respect to the hearings your Subcommittee has been holding on this subject.

The National Easter Seal Society is the nation's oldest and largest voluntary health agency serving the handicapped. During the year 1979, Easter Seal Societies across the country will provide a comprehensive spectrum of services to more than 350,000 persons with disabilities. Easter Seal affiliates offer a wide variety of services to handicapped persons disabled from any cause. Our clients include victims of accidents, cerebral palsy, multiple sclerosis, blindness and the whole range of birth defects.

In addition to providing direct services, the Society benefits the entire handicapped population of the nation by its legislative and other governmental activities. The organization is also substantially involved in public education and research designed to enhance the lives of disabled people.

In our dual role as a provider of rehabilitation services to the disabled and as an advocate for the handicapped, we have a substantial interest in the successful implementation of this Act.

Easter Seal affiliates in many communities across the country have played a significant role in the implementation of this legislation. Many of our societies contract directly with school boards to provide

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services such as physical, speech and occupation therapy. In some areas, Easter Seals also provides training for teachers and other school personnel who work directly with handicapped children. In addition to the services that they provide to students and teachers, some of our affiliates are involved in parent and public education and also act as advocates on behalf of the families of children who are eligible under the Act.

During recent weeks, the National Society's Office of Governmental Affairs has undertaken a survey of its affiliates who are involved in the implementation ot Public Law 94-142. The responses to this inquiry have revealed a number of problems that local school boards are experiencing in meeting the mandates imposed by this legislation.

First of all, there appears to be a very pervasive lack of knowledge about the law's requirements in many communities. It is particularly evident among school personnel, including both public school administrators and teachers. In many cases, this lack of information forms the basis for considerable resistance to compliance with the Act on the part of school officials. Unfortunately, in some areas school officials fail to comply not only with the letter but also the spirit of the law which minimally requires a good faith effort to meet the needs of these children.

Our affiliates have specifically emphasized the need for inservice training for the classroom teachers who directly deal with these children. Obviously, these individuals play a major role in the effort to integrate these young people with disabilities into our public school systems. It is crucial for these people to know not only the basic requirements of the Act but also to be aware of the sometimes subtle psychological aspects of a child's adjustment to making the transition to the regular classroom.

In addition to the need for more education and training for school personnel, our affiliates have also pointed out that although parental support is an integral part of any special education program for children with disabilities, their role in the process is one that tends to be underemphasized. It is the consensus of opinion of our Societies that parents generally are not well informed with respect to the rights of their children under law. Yet in many communities where the schools are resisting efforts to mainstream disabled children, responsibility for protecting the child's interests lies primarily with the parents. The federal government should take steps to insure not only that parents are adequately informed of the rights of their children but also that they are given the tools to reinforce at home what the schools are trying to accomplish in the classroom.

Another problem which seems to be a recurring theme in the responses of our affiliated organizations is the inadequate provision of services to children who are clearly in need of those services. In far too many instances, we have received reports that a child is evaluated and deemed to be in need of a specific service but is denied that service because it is unavailable in the particular locale. Lack of classroom aides, adaptive equipment and transportation are yet other deficiencies which prevent the fulfillment of the dream on which we set our sights through the enactment of Public Law 94-142.

Many of the problems enumerated in this statement could be solved by increasing the level of appropriations for the education of handicapped children. Simply put, there has not been enough money appropriated by Congress to meet the mandates set out in law. But beyond the funding issue, there are many low cost initiatives which can be taken by the federal government which will alleviate many of the present problems. For example, coordination of services within communities and between contingent communities would diminish the inefficient use of precious manpower resources. Teacher training and parent education would also prove to be cost effective in terms of getting maximum results from federal dollars spent. We urge your Subcommittee to continue its efforts to oversee and expedite the implementation of this Act.

We hope that our comments prove helpful to the Subcommittee during its deliberations.

Sincerely,

Joseph D. Romer

Joseph D. Romer
Director of Governmental
  Affairs

JDR:cg

Senator **Randolph**. Thank you very much, Dr. Cartwright.

I regret that, of necessity, I had to go for a conference. I wanted to say, Dr. Baldwin, that there is no member of the Senate who is more interested in programs of value education—I'll use that term—than Senator Hatfield. I am hopeful that you did have a chance to talk with him while you were here.

Dr. **Baldwin**. I was just a little late getting started because he did come over and I had a chance to meet with him.

Senator **Randolph**. Thank you very much.

Dr. Cartwright, as I am sure you know, a member of our subcommittee is one of your Senators, Senator Schweiker, and he would have been here, but I know he's at a budget hearing this morning. So we are grateful for your coming, for the testimony from all of you.

I do want you to know that the members of our subcommittee will go very carefully into the testimony given today. It is that kind of subcommittee, all the members on it, and it is only because of the other commitments that prevent them from being here today.

We will want to keep in touch with you, all of you, and questions will be sent to you and we'll ask you to respond, so that the record can be more complete.

As you well understand, these hearings are going to be printed, to be made public for your use and the use of others that are interested.

Now, we are not announcing an exact date for our next subcommittee hearing on this subject, but I think, that it would be some time in November. In other words, we continue to keep this subject matter very much a priority with our subcommittee. So we will have further hearings.

I wish to thank all of the witnesses. And those who are now in the room who have testified, I would like to say just a personal "hello" to you.

This hearing is recessed, subject to further call of the Chair. Thank you very much.

[Whereupon, at 11:17 a.m., the subcommittee was adjourned.]